

**GENERAL CONDITIONS  
AND  
APPLICABLE SECTOR (S)  
MSGP  
MAY 1, 2006**



OFFICE OF ENVIRONMENTAL SERVICES  
**Water Discharge Permit**

**LPDES MULTI-SECTOR GENERAL PERMIT FOR STORM WATER DISCHARGES  
ASSOCIATED WITH INDUSTRIAL ACTIVITIES**

PERMIT NO. LAR050000

AUTHORIZATION TO DISCHARGE UNDER THE  
LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM

Pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act, as amended (La. R. S. 30:2001, et seq.), rules and regulations effective or promulgated under the authority of said Acts, this Louisiana Pollutant Discharge Elimination System (LPDES) General Permit is issued. Operators of discharges associated with industrial activities that submit a complete Notice of Intent in accordance with Part 2.2 for a discharge that is located in the state of Louisiana and are eligible for permit coverage under Part 1.2 are authorized to discharge to waters of the State, in accordance with the conditions and requirements set forth herein.

This permit shall become effective on

5/1/06

This permit and the authorization to discharge shall expire five (5) years from the effective date of the permit.

Issued on

4/28/06

**Chuck Carr Brown, Ph. D.**  
Assistant Secretary

**LPDES MULTI-SECTOR GENERAL PERMIT FOR STORM WATER  
TABLE OF CONTENTS**

|     |   |     |
|-----|---|-----|
| 1.  | Coverage Under This Permit .....  | 3   |
| 2.  | Notice of Intent Requirements .....   | 21  |
| 3.  | Special Conditions .....  | 26  |
| 4.  | Storm Water Pollution Prevention Plans .....  | 28  |
| 5.  | Monitoring Requirements and Numeric Limitations For All Facilities .....                              | 40  |
| 6.  | Sector-Specific Requirements for Industrial Activity .....  | 50  |
| A.  | Timber Products.....  | 50  |
| B.  | Paper and Allied Products Manufacturing.....  | 55  |
| C.  | Chemical and Allied Products Manufacturing.....   | 57  |
| D.  | Asphalt Paving and Roofing Materials and Lubricant Manufacturers .....                                | 62  |
| E.  | Glass, Clay, Cement, Concrete, and Gypsum Products.....   | 64  |
| F.  | Primary Metals.....   | 67  |
| G.  | Metal Mining (Ore Mining and Dressing).....   | 71  |
| H.  | Coal Mines and Coal Mining Related Facilities.....  | 83  |
| I.  | Oil and Gas Extraction and Refining.....  | 86  |
| J.  | Mineral Mining and Dressing.....  | 92  |
| K.  | Non-Commercial Hazardous Waste Treatment, Storage, or Disposal<br>Facilities.....                     | 96  |
| L.  | Landfills and Land Application Sites .....  | 103 |
| M.  | Automobile Salvage Yards .....  | 110 |
| N.  | Scrap Recycling and Waste Recycling Facilities .....  | 113 |
| O.  | Steam Electric Generating Facilities.....   | 122 |
| P.  | Land Transportation and Warehousing.....  | 127 |
| Q.  | Water Transportation .....  | 131 |
| R.  | Ship and Boat Building or Repair Yards .....  | 136 |
| S.  | Air Transportation.....   | 140 |
| T.  | Treatment Works .....   | 146 |
| U.  | Food and Kindred Products .....   | 149 |
| V.  | Textile Mills, Apparel, and other Fabric Product Manufacturing, Leather<br>and Leather Products ..... | 152 |
| W.  | Furniture and Fixtures.....   | 156 |
| X.  | Printing and Publishing.....  | 158 |
| Y.  | Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing<br>Industries.....            | 161 |
| Z.  | Leather Tanning and Finishing .....   | 165 |
| AA. | Fabricated Metal Products .....   | 168 |
| AB. | Transportation Equipment, Industrial or Commercial Machinery.....                                     | 172 |
| AC. | Electronic, Electrical Equipment and Components, Photographic and<br>Optical Goods .....              | 174 |

7. Reporting .....177

8. Retention of Records .....179

9. Standard Permit Conditions .....180

10. Reopener Clause .....190

11. Transfer or Termination of Coverage .....190

12. Definitions .....192

**ADDENDA**

- A. ENDANGERED SPECIES GUIDANCE**
- B. HISTORIC PRESERVATION**
- C. CURRENT ADDRESSES LIST**
- D. DMR**

## **1. COVERAGE UNDER THIS PERMIT**

### **1.1 Applicability**

This Multi-Sector General Permit (MSGP) authorizes discharges of storm water within the state of Louisiana from industrial facilities as defined in LAC 33:IX.2511.B.14.a-i and k. Any discharge authorized by a different LPDES permit may be commingled with discharges authorized by this permit. Any permittee covered by an individual permit may request that the individual permit be terminated if the permitted source or activity is also eligible for coverage under this general permit. Upon written approval of that request by this Office, the permittee will be covered by this general permit, and the individual permit terminated.

### **1.2 Eligibility**

You must maintain permit eligibility to discharge under this permit. Any discharges that are not compliant with the eligibility conditions of this permit are not authorized by the permit.

#### **1.2.1 Facilities Covered**

Your permit eligibility is limited to discharges from facilities in the ~~A~~sectors@of industrial activity based on Standard Industrial Classification (SIC) codes and Industrial Activity Codes as summarized in Table 1. References to ~~A~~sectors@in this permit (e.g., sector-specific monitoring requirements, etc.) refer to these sectors. Authorization for the discharge of these storm waters must be obtained under this permit or by equivalent coverage under another LPDES permit (e.g., an individual LPDES permit).

| <b>TABLE 1. Sectors of Industrial Activity Covered By this Permit</b> |  |
|---|--|
| <b>SIC Code<br/>or Activity<br/>Code<sup>1</sup></b>                  | <b>Activity Represented</b>  |
| <b>SECTOR A: TIMBER PRODUCTS</b>                                      |  |
| 2421  | General Sawmills and Planing Mills   |
| 2491  | Wood Preserving  |
| 2411  | Log Storage and Handling (Wet deck storage areas only authorized if no chemical additives are used in the spray water or applied to the logs)                          |
| 2426  | Hardwood Dimension and Flooring Mills  |
| 2429  | Special Product Sawmills, Not Elsewhere Classified   |
| 2431-2439,<br>2441 (except<br>2434)                                   | Millwork, Veneer, Plywood, Structural Wood, and Nailed and Lock Corner Wood Boxes and Shook (see Sector W)   |
| 2448,2449   | Wood Containers  |
| 2451,2452   | Wood Buildings and Mobile Homes  |
| 2493  | Reconstituted Wood Products  |
| 2499  | Wood Products, Not Elsewhere Classified  |
| <b>SECTOR B: PAPER AND ALLIED PRODUCTS MANUFACTURING</b>              |  |
| 2611  | Pulp Mills   |
| 2621  | Paper Mills  |
| 2631  | Paperboard Mills   |
| 2652-2657   | Paperboard Containers and Boxes  |
| 2671-2679   | Converted Paper and Paperboard Products, Except Containers and Boxes   |
| <b>SECTOR C: CHEMICAL AND ALLIED PRODUCTS MANUFACTURING</b>           |  |
| 2812-2819   | Industrial Inorganic Chemicals   |
| 2821-2824   | Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass  |
| 2833 –2836  | Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; In Vitro and In Vivo Diagnostic Substances; Biological Products, Except Diagnostic Substances |
| 2841-2844   | Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations   |
| 2851  | Paints, Varnishes, Lacquers, Enamels, and Allied Products  |
| 2861-2869   | Industrial Organic Chemicals   |

| <b>TABLE 1. Sectors of Industrial Activity Covered By this Permit</b>             |  |
|---|--|
| <b>SIC Code<br/>or Activity<br/>Code<sup>1</sup></b>                              | <b>Activity Represented</b>  |
| 2873-2879   | Agricultural Chemicals, Facilities that Make Fertilizer Solely from Leather Scraps and Leather Dust  |
| 2891-2899   | Miscellaneous Chemical Products  |
| 3952<br>(limited to<br>list)  | Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors |
| <b>SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANT MANUFACTURERS</b> |  |
| 2951,2952   | Asphalt Paving and Roofing Materials   |
| 2992,2999   | Miscellaneous Products of Petroleum and Coal   |
| <b>SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS</b>               |  |
| 3211, 3281  | Flat Glass, and Cut Stone and Stone Products, Benches, Blackboards, Table Tops, Pedestals, etc.  |
| 3221,3229   | Glass and Glassware, Pressed or Blown  |
| 3231  | Glass Products Made of Purchased Glass   |
| 3241  | Hydraulic Cement   |
| 3251-3259   | Structural Clay Products   |
| 3261-3269   | Pottery and Related Products   |
| 3271-3275   | Concrete, Gypsum and Plaster Products  |
| 3291-3299   | Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products   |
| <b>SECTOR F: PRIMARY METALS</b>   |  |
| 3312-3317   | Steel Works, Blast Furnaces, and Rolling and Finishing Mills   |
| 3321-3325   | Iron and Steel Foundries   |
| 3331-3339   | Primary Smelting and Refining of Nonferrous Metals   |
| 3341  | Secondary Smelting and Refining of Nonferrous Metals   |
| 3351-3357   | Rolling, Drawing, and Extruding of Nonferrous Metals   |
| 3363-3369   | Nonferrous Foundries (Castings)  |
| 3398,3399   | Miscellaneous Primary Metal Products   |
| <b>SECTOR G: METAL MINING (ORE MINING AND DRESSING)</b>                           |  |
| 1011  | Iron Ores  |
| 1021  | Copper Ores  |

| <b>TABLE 1. Sectors of Industrial Activity Covered By this Permit</b>                          |   |
|--|---|
| <b>SIC Code<br/>or Activity<br/>Code<sup>1</sup></b>   | <b>Activity Represented</b>                       |
| 1031   | Lead and Zinc Ores                                |
| 1041,1044  | Gold and Silver Ores                              |
| 1061   | Ferroalloy Ores, Except Vanadium                  |
| 1081   | Metal Mining Services                             |
| 1094,1099  | Miscellaneous Metal Ores                          |
| <b>SECTOR H: COAL MINES AND COAL MINING RELATED FACILITIES</b>                                 |   |
| 1221-1241  | Coal Mines and Coal Mining-Related Facilities     |
| <b>SECTOR I: OIL AND GAS EXTRACTION AND REFINING</b>   |   |
| 1311   | Crude Petroleum and Natural Gas                   |
| 1321   | Natural Gas Liquids                               |
| 1381-1389  | Oil and Gas Field Services                        |
| 2911   | Petroleum Refineries                              |
| <b>SECTOR J: MINERAL MINING AND DRESSING</b>   |   |
| 1411   | Dimension Stone                                   |
| 1422-1429  | Crushed and Broken Stone, Including Rip Rap       |
| 1442,1446  | Sand and Gravel                                   |
| 1455,1459  | Clay, Ceramic, and Refractory Materials           |
| 1474-1479  | Chemical and Fertilizer Mineral Mining            |
| 1481   | Nonmetallic Minerals, Except Fuels                |
| 1499   | Miscellaneous Nonmetallic Minerals, Except Fuels  |
| <b>SECTOR K: NON-COMMERCIAL HAZARDOUS WASTE TREATMENT,<br/>STORAGE, OR DISPOSAL FACILITIES</b> |   |
| HZ   | Hazardous Waste Treatment Storage or Disposal     |
| <b>SECTOR L: LANDFILLS AND LAND APPLICATION SITES</b>  |   |
| LF   | Landfills, Land Application Sites, and Open Dumps |
| <b>SECTOR M: AUTOMOBILE SALVAGE YARDS</b>  |   |
| 5015   | Automobile Salvage Yards                          |
| <b>SECTOR N: SCRAP RECYCLING AND WASTE RECYCLING FACILITIES</b>                                |   |
| 5093   | Scrap Recycling Facilities                        |
| <b>SECTOR O: STEAM ELECTRIC GENERATING FACILITIES</b>  |   |



| <b>TABLE 1. Sectors of Industrial Activity Covered By this Permit</b>   |  |
|---|--|
| <b>SIC Code<br/>or Activity<br/>Code<sup>1</sup></b>  | <b>Activity Represented</b>  |
| SE  | Steam Electric Generating Facilities                                 |
| <b>SECTOR P: LAND TRANSPORTATION AND WAREHOUSING</b>  |  |
| 4011,4013   | Railroad Transportation  |
| 4111-4173   | Local and Highway Passenger Transportation                           |
| 4212-4231   | Motor Freight Transportation and Warehousing                         |
| 4311  | United States Postal Service   |
| 5171  | Petroleum Bulk Stations and Terminals                                |
| <b>SECTOR Q: WATER TRANSPORTATION</b>   |  |
| 4412-4499   | Water Transportation   |
| <b>SECTOR R: SHIP AND BOAT BUILDING OR REPAIR YARDS</b>   |  |
| 3731,3732   | Ship and Boat Building or Repairing Yards                            |
| <b>SECTOR S: AIR TRANSPORTATION</b>   |  |
| 4512-4581   | Air Transportation Facilities  |
| <b>SECTOR T: TREATMENT WORKS</b>  |  |
| TW  | Treatment Works with Design Flow Of 1.0 MGD or More                  |
| <b>SECTOR U: FOOD AND KINDRED PRODUCTS</b>  |  |
| 2011-2015   | Meat Products  |
| 2021-2026   | Dairy Products   |
| 2032-2038   | Canned, Frozen and Preserved Fruits, Vegetables and Food Specialties |
| 2041-2048   | Grain Mill Products  |
| 2051-2053   | Bakery Products  |
| 2061-2068   | Sugar and Confectionery Products                                     |
| 2074-2079   | Fats and Oils  |
| 2082-2087   | Beverages  |
| 2091-2099   | Miscellaneous Food Preparations and Kindred Products                 |
| 2111-2141   | Tobacco Products   |
| <b>SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT<br/>MANUFACTURING, LEATHER AND LEATHER PRODUCTS</b> |  |
| 2211-2299   | Textile Mill Products  |
| 2311-2399   | Apparel and Other Finished Products Made From Fabrics and Similar    |

| <b>TABLE 1. Sectors of Industrial Activity Covered By this Permit</b>                                   |  |
|---|--|
| <b>SIC Code<br/>or Activity<br/>Code<sup>1</sup></b>  | <b>Activity Represented</b>  |
|   | Materials  |
| 3131-3199<br>(except<br>3111)   | Leather and Leather Products, except Leather Tanning and Finishing<br>(see Sector Z)             |
| <b>SECTOR W: FURNITURE AND FIXTURES</b>   |  |
| 2511-2599   | Furniture and Fixtures   |
| 2434  | Wood Kitchen Cabinets  |
| <b>SECTOR X: PRINTING AND PUBLISHING</b>  |  |
| 2711-2796   | Printing, Publishing, and Allied Industries  |
| <b>SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND<br/>MISCELLANEOUS MANUFACTURING INDUSTRIES</b> |  |
| 3011  | Tires and Inner Tubes  |
| 3021  | Rubber and Plastics Footwear   |
| 3052,3053   | Gaskets, Packing, and Sealing Devices and Rubber and Plastics Hose and<br>Belting                |
| 3061,3069   | Fabricated Rubber Products, Not Elsewhere Classified   |
| 3081-3089   | Miscellaneous Plastics Products  |
| 3931  | Musical Instruments  |
| 3942-3949   | Dolls, Toys, Games and Sporting and Athletic Goods   |
| 3951-3955<br>(except 3952<br>facilities as<br>specified in<br>Sector C)                                 | Pens, Pencils, and Other Artists' Materials  |
| 3961,3965   | Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions,<br>Except Precious Metal |
| 3991-3999   | Miscellaneous Manufacturing Industries   |
| <b>SECTOR Z: LEATHER TANNING AND FINISHING</b>  |  |
| 3111  | Leather Tanning and Finishing  |
| <b>SECTOR AA: FABRICATED METAL PRODUCTS</b>   |  |
| 3411-3499   | Fabricated Metal Products, Except Machinery and Transportation Equipment                         |
| 3911-3915   | Jewelry, Silverware, and Plated Ware   |

| <b>TABLE 1. Sectors of Industrial Activity Covered By this Permit</b>                                 |  |
|---|--|
| <b>SIC Code<br/>or Activity<br/>Code<sup>1</sup></b>  | <b>Activity Represented</b>  |
| <b>SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR<br/>COMMERCIAL MACHINERY</b>                    |  |
| 3511-3599<br>(except<br>3571-3579)  | Industrial and Commercial Machinery (except Computer and Office Equipment) (see Sector AC)                     |
| 3711-3799<br>(except<br>3731,3732)  | Transportation Equipment (except Ship and Boat Building and Repairing) (see Sector R)                          |
| <b>SECTOR AC: ELECTRONIC, ELECTRICAL EQUIPMENT AND COMPONENTS,<br/>PHOTOGRAPHIC AND OPTICAL GOODS</b> |  |
| 3612-3699   | Electronic, Electrical Equipment and Components, except Computer Equipment                                     |
| 3812-3873   | Measuring, Analyzing and Controlling Instruments; Photographic, Medical, and Optical Goods, Watches and Clocks |
| 3571-3579   | Computer and Office Equipment  |

<sup>1</sup> A complete list of SIC codes can be obtained from the Internet at [http://www.osha.gov/pls/imis/sic\\_manual.html](http://www.osha.gov/pls/imis/sic_manual.html) or in paper form from various locations in the document entitled "Handbook of Standard Industrial Classifications" Office of Management and Budget, 1987.

#### **1.2.1.1 Activities NOT Covered By The Multi-Sector General Permit**

- 1.2.1.1.1 At wood preserving facilities, storm water that has come in contact with areas where spraying of chemical formulations designed to provide surface protection has occurred.
- 1.2.1.1.2 Non-storm water discharges containing: inks, paints, or substances (hazardous, nonhazardous, etc.) resulting from an onsite spill, including materials collected in drip pans; washwaters from material handling and processing areas; and washwaters from drum, tank, or container rinsing and cleaning.
- 1.2.1.1.3 Storm water from gypsum piles at phosphate fertilizer manufacturing facilities.
- 1.2.1.1.4 Acid drainage, contaminated springs or seeps at mining operations.
- 1.2.1.1.5 Discharges from: pollutant seeps or underground drainage from inactive coal mines and refuse disposal areas that do not occur as storm water discharges in response to

precipitation events; and floor drains from maintenance buildings and other similar drains in mining and preparation plant areas.

- 1.2.1.1.6 Mine dewatering wastewaters at crushed stone mines, construction sand and gravel mines, and industrial sand mines.
- 1.2.1.1.7 Cell dewatering wastewaters from active, uncapped cells at Hazardous Waste Treatment, Storage, or Disposal Facilities.
- 1.2.1.1.8 Cell dewatering wastewaters from active, uncapped cells at landfills, land application sites, and open dumps.
- 1.2.1.1.9 Leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory-derived wastewater and contact washwater from washing truck and railcar exteriors and surface areas which have come in direct contact with solid waste at a landfill facility.
- 1.2.1.1.10 Non-storm water discharges from turnings containment areas. Discharges from containment areas in the absence of a storm event are prohibited unless covered by a separate LPDES permit.
- 1.2.1.1.11 Storm water discharges from ancillary facilities (e.g., fleet centers, gas turbine stations and substations) that are not contiguous to a steam electric power generating facility; and heat capture co-generating facilities.
- 1.2.1.1.12 Discharges of bilge and ballast water, sanitary wastes, pressure wash water, and cooling water originating from vessels.
- 1.2.1.1.13 Discharges of aircraft, ground vehicle, runway and equipment washwaters, and dry weather discharges of deicing/anti-icing chemicals.
- 1.2.1.1.14 Discharges containing boiler blowdown, cooling tower overflow and blowdown, ammonia refrigeration purging and vehicle washing/clean-out operations.
- 1.2.1.1.15 Discharges of wastewaters resulting from any processes relating to the production process, reused or recycled water, and waters used in cooling towers (please see exception in Part 1.2.2.2.11).
- 1.2.1.1.16 Contaminated storm water discharges from petroleum refining or drilling operations that are subject to nationally established BAT or BPT guidelines found at 40 CFR Parts 419 and 435, respectively. Note: most contaminated discharges at petroleum refining and drilling facilities are subject to these effluent guidelines.
- 1.2.1.1.17 Non-storm water discharges from oil and gas extraction and refining facilities resulting from vehicles and equipment washwater, including tank cleaning operations.

### **1.2.1.2 Co-located Activities**

If you have co-located industrial activities on-site that are described in a sector(s) other than your primary sector, you must comply with all other applicable sector-specific conditions found in Part 6 for the co-located industrial activities. The extra sector-specific requirements are applied only to those areas of your facility where the extra-sector activities occur. An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the storm water regulations, and identified by the permit SIC code list (above, Table 1). For example, unless you are actually hauling substantial amounts of freight or materials with your own truck fleet or are providing a trucking service to outsiders, simple maintenance of vehicles used at your facility is unlikely to meet the SIC code group 42 description of a motor freight transportation facility. Even though Sector P may not apply, the runoff from your vehicle maintenance facility would likely still be considered storm water associated with industrial activity. As such, your Storm Water Pollution Prevention Plan (SWPPP) must still address the runoff from the vehicle maintenance facility—although not necessarily with the same degree of detail as required by Sector P—but you would not be required to monitor as per Sector P.

If runoff from co-located activities commingle, you must monitor the discharge as per the requirements of all applicable sectors (regardless of the actual location of the discharge). If you comply with all applicable requirements from all applicable Sections of Part 6 for the co-located industrial activities, the discharges from these co-located activities are authorized by this permit.

## **1.2.2 Discharges Covered**

### **1.2.2.1 Allowable Storm Water Discharges**

Subject to the terms and conditions of this permit, you are authorized to discharge pollutants in:

- 1.2.2.1.1 storm water runoff associated with industrial activities as defined in LAC 33:IX.2511.B.14.a-i and k from the sectors of industry described in Table 1 except as noted above in Part 1.2.1.1 and in the Part 6 Sectors under “Limitations of Coverage”;
- 1.2.2.1.2 non-storm water discharges as noted in Part 1.2.2.2 or otherwise specifically allowed by the permit;
- 1.2.2.1.3 discharges subject to an effluent guideline listed in Table 2 that also meet all other eligibility requirements of the permit. Interim coverage is also available for discharges subject to a new storm water effluent limitation guideline promulgated after the effective date of this permit;
- 1.2.2.1.4 any otherwise authorized discharge that is commingled with a discharge authorized by a different LPDES permit. Discharges not required to obtain an LPDES permit may also be commingled with discharges authorized by this permit.

| <b>TABLE 2. Effluent Guidelines Applicable to Discharges That May be Eligible for Permit Coverage</b>   |  |   |
|---|--|---|
| <b>Effluent Guidelines</b>  | <b>New Source Performance Standards Included in Effluent</b> | <b>Sectors with Affected Facilities</b> |
| Runoff from material storage piles at cement manufacturing facilities [40 CFR Part 411 Subpart C (established February 23, 1977)]                         | Yes  | E                                       |
| Contaminated runoff from phosphate fertilizer manufacturing facilities [40 CFR Part 418 Subpart A (established April 8, 1974)]                            | Yes  | C                                       |
| Coal pile runoff at steam electric generating facilities [40 CFR Part 423 (established November 19, 1982)]  | Yes  | O                                       |
| Discharges resulting from spray down or intentional wettings of logs at wet deck storage areas [40 CFR Part 429 Subpart I (established January 26, 1981)] | Yes  | A                                       |
| Mine dewatering discharges at crushed stone mines [ 40 CFR Part 436 Subpart B]  | No   | J                                       |
| Mine dewatering discharges at construction sand and gravel mines [40 CFR Part 436 Subpart C]  | No   | J                                       |
| Mine dewatering discharges at industrial sand mines [40 CFR Part 436 Subpart D]   | No   | J                                       |
| Runoff from asphalt emulsion facilities [40 CFR Part 443 Subpart A (established July 24, 1975)]   | Yes  | D                                       |
| Runoff from landfills [40 CFR Part 445, Subpart A and B (established February 2, 2000)]   | Yes  | K & L                                   |

#### **1.2.2.2 Allowable Non-Storm Water Discharges**

Permittees eligible for coverage under the permit, as defined above in Part 1.1, 1.2, 1.2.1, and Table 1, are also authorized for the following non-storm water discharges at the permitted facility, provided the non-storm water component of the discharge is in compliance with Part 4.4 (non-storm water discharges):

- 1.2.2.2.1 discharges from fire fighting activities;
- 1.2.2.2.2 fire hydrant flushings;
- 1.2.2.2.3 potable water including water line flushings using potable water;
- 1.2.2.2.4 uncontaminated air conditioning or compressor condensate;
- 1.2.2.2.5 irrigation drainage;

- 1.2.2.2.6 landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with manufacturer's instructions;
- 1.2.2.2.7 pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
- 1.2.2.2.8 routine external building wash down which does not use detergents;
- 1.2.2.2.9 uncontaminated ground water or spring water;
- 1.2.2.2.10 foundation or footing drains where flows are not contaminated with process materials such as solvents; and
- 1.2.2.2.11 incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

### **1.2.3 Limitations on Coverage**

#### **1.2.3.1 Discharges Mixed with Non-Storm Water**

You are not authorized for discharges that are mixed with sources of non-storm water. This exclusion does not apply to discharges identified in Part 1.2.2.2, provided the discharges are in compliance with Part 4.4.2 (pollution prevention plan requirements for authorized non-storm water discharges), and to any discharge explicitly authorized by the permit.

#### **1.2.3.2 Storm Water Discharges Associated with Construction Activity**

You are not authorized for storm water discharges associated with construction activity as defined in LAC 33:IX.2511.B.14.j or LAC 33:IX.2511.B.15.

#### **1.2.3.3 Discharges Currently or Previously Covered by Another Permit**

You are not authorized by this permit for the following:

- 1.2.3.3.1 storm water discharges associated with industrial activity that are currently covered under an individual permit or an alternative general permit; or
- 1.2.3.3.2 storm water coverage under a prior individual or general permit which has expired or been terminated at the request of the permittee and which contained numeric water quality-based limitations developed for the storm water component of the discharge; or
- 1.2.3.3.3 storm water covered under a prior individual or general permit which has expired or been terminated at the request of the permittee and which contained specific BMPs for storm water unless those BMPs are included in the SWPPP required under Part 4 of this permit; or

- 1.2.3.3.4 storm water discharges associated with industrial activity from facilities where any LPDES permit has been or is in the process of being denied, terminated, or revoked by the Agency (other than in a replacement permit issuance process). Upon request, the Agency may waive this exclusion if operation of the facility has since passed to a different owner/operator and new circumstances at the facility justify a waiver.

#### **1.2.3.4 Discharges Subject to Effluent Limitations Guidelines**

You are not authorized for discharges subject to any effluent limitation guideline that is not included in Table 2.

#### **1.2.3.5 Discharge Compliance with Water Quality Standards**

You must select, install, implement and maintain BMPs at your facility that minimize pollutants in the discharge as necessary to meet applicable water quality standards. In general, except in situations in explained below, your SWPPP developed, implemented, and updated consistent with Part 4 is considered as stringent as necessary to ensure that your discharges do not cause or contribute to an excursion above any applicable water quality standard.

At any time after authorization LDEQ may determine that your storm water discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. If such a determination is made, LDEQ will require you to:

- a. Develop a supplemental BMP action plan describing SWPPP modifications in accordance with Part 4.10 to address adequately the identified water quality concerns;
- b. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
- c. Cease discharges of pollutants from industrial activities and submit an individual permit application according to Part 9.12.

#### **1.2.3.6 Discharges that are not Protective of Endangered and Threatened Species**

For facilities applying for MSGP coverage through authorization under another LPDES permit for additional non-MSGP covered discharges (such as the Light Commercial General Permit (see Part 1.3.1.3.2 below)), eligibility in terms of Endangered Species Act (ESA) requirements shall be determined concurrently for both permits in accordance with established procedures based on the current MOA between LDEQ and the U.S. Fish and Wildlife Service. Parts 1.2.3.6.1 through 1.2.3.6.3 do not apply to applicants using this alternate authorization method.

For facilities applying separately or solely for MSGP authorization (Part 1.3.1.3.1 below), Part 1.2.3.6 is applicable in its entirety.



1.2.3.6.1 A discharge of storm water associated with industrial activity is covered under this permit only if the applicant certifies that it meets at least one of the four criteria described below in Parts 1.2.3.6.1.1 through 1.2.3.6.1.4. Failure to continue to meet one of these criteria during the term of the permit will result in the storm water discharges associated with industrial activity being ineligible for coverage under this permit.

1.2.3.6.1.1 The storm water discharge(s), and the industrial activity and implementation of Best Management Practices (BMPs) to control storm water runoff, are not likely to adversely affect species identified in Addendum A of this permit or critical habitat for a listed species; or

1.2.3.6.1.2 The applicant's activity has received previous authorization under Section 10 of the Endangered Species Act (ESA) and that authorization addressed storm water discharges and/or BMPs to control storm water runoff; or

1.2.3.6.1.3 The applicant's activity was considered as part of a larger, more comprehensive assessment of impacts on endangered and threatened species under Section 10 of the Endangered Species Act which accounts for storm water discharges and BMPs to control storm water runoff (e.g., where an area-wide habitat conservation plan and Section 10 permit is issued which addresses impacts from industrial activities including those from storm water); or

1.2.3.6.1.4 The applicant's activity was considered as part of a larger, more comprehensive site-specific assessment of impacts on endangered and threatened species by the facility and that permittee certified eligibility under Parts 1.2.3.6.1.1, 1.2.3.6.1.2, or 1.2.3.6.1.3 above.

1.2.3.6.2 All applicants must follow the procedure provided in Addendum A of this permit when applying for permit coverage.

1.2.3.6.3 The applicant must comply with any terms and conditions imposed under the eligibility requirements of Parts 1.2.3.6.1.1 through 1.2.3.6.1.4 above to ensure that storm water discharges or BMPs to control storm water runoff are protective of listed endangered and threatened species and/or critical habitat. Such terms and conditions must be incorporated in the applicant's SWPPP.

1.2.3.6.4 This permit does not authorize any "take" (as defined under Section 9 of the Endangered Species Act) of endangered or threatened species unless such take is authorized under 10 the Endangered Species Act.

1.2.3.6.5 This permit does not authorize any storm water discharges or require any BMPs to control storm water runoff that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the Endangered Species Act or result in the adverse modification or destruction of habitat that is designated as critical under the Endangered Species Act.

## **1.2.3.7 Storm Water Discharges and Storm Water Discharge-Related Activities with**

### **Unconsidered Adverse Effects on Historic Properties**

- 1.2.3.7.1 Eligibility for coverage under this permit is contingent upon compliance with the National Historic Preservation Act. Discharges may be authorized under this permit only if:
  - 1.2.3.7.1.1 the facility's storm water discharges, allowable non-storm water discharges, discharge-related activities do not affect a property that is listed or is eligible for listing on the National Register of Historic Places as maintained by the Secretary of the Interior; or
  - 1.2.3.7.1.2 if historical properties are identified and it is determined there is the potential to adversely affect the property, the facility has obtained and is in compliance with a written agreement with the Louisiana State Historic Preservation Officer (SHPO) that outlines all measures to be undertaken to mitigate or prevent adverse effect(s) to the historic property.
- 1.2.3.7.2 Addendum B of this permit provides guidance and references to assist applicants with determining permit eligibility concerning this provision.

### **1.2.3.8 Storm Water Discharges to Water Quality-Impaired or Water Quality-Limited Receiving Waters**

- 1.2.3.8.1 Except as provided below, this permit does not authorize new discharges to waters identified by the State under section 303(d) of the Clean Water Act as not meeting applicable water quality standards (a "303(d) waterbody"), except as provided under LAC 33: IX.2317.A.9. This provision applies only to discharges containing the pollutant(s) for which the waterbody is impaired. You are a new discharger if your facility started discharging after August 13, 1979 and your storm water was not previously permitted (see LAC 33: IX.2313 for full regulatory definition of "New Discharger").

For both new and existing dischargers, you are not eligible for coverage under this permit for discharges of pollutants of concern to waters for which there is a total maximum daily load (TMDL) established or approved by LDEQ unless you incorporate into your SWPPP measures or controls that are consistent with the assumption and requirements of such TMDL. To be eligible for coverage under this general permit, you must incorporate into your SWPPP any conditions applicable to your discharges necessary for consistency with the assumptions and requirements of such TMDL. If a specific wasteload allocation has been established that would apply to your discharge you must incorporate that allocation into your SWPPP and implement necessary steps to meet that allocation.

- 1.2.3.8.2 This permit does not authorize the discharge of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been either established or approved by the LDEQ unless your discharge is consistent with that TMDL.

In a situation where an LDEQ-approved or established TMDL has specified a general wasteload allocation applicable to industrial storm water discharges, but no specific requirements for industrial sites have been identified in the TMDL, you should consult with the State TMDL authority to confirm that adherence to a SWPPP that meets the requirements of this permit will be consistent with the approved TMDL. Where an LDEQ-approved or established TMDL has not specified a wasteload allocation applicable to industrial storm water discharges, but has not specifically excluded these discharges, adherence to a SWPPP that meets the requirements of this permit will generally be assumed to be consistent with the approved TMDL. If the LDEQ-approved or established TMDL specifically precludes such discharges, the operator is not eligible for coverage under this permit.

The list of impaired waterbodies (sometimes referred to as 303(d) waterbodies) may be accessed on the LDEQ Internet site at <http://www.deq.louisiana.gov/portal/default.aspx?tabid=130> or obtained from the Office of Environmental Services, Permits Division.

#### **1.2.3.9 Storm Water Discharges Subject to Anti-degradation Water Quality Standards**

You are not authorized for discharges that do not comply with Louisiana's anti-degradation policy and plan for water quality standards as defined in LAC 33:IX.1109.A and 1119.

#### **1.2.3.10 Dischargers Notified of Permit Ineligibility**

Unless otherwise specified by the Agency, you are not authorized for discharges after you have been notified that you do not meet the eligibility conditions of this permit.

### 1.3 Obtaining Authorization

1.3.1 You may be authorized under this permit only if you have a discharge of storm water associated with industrial activity from your facility. In order to obtain authorization under this permit, you must:

1.3.1.1 meet the Part 1.2 eligibility requirements; and

1.3.1.2 develop and implement a storm water pollution prevention plan (SWPPP) (see definition in Part 12) according to the requirements in Part 4 of this permit; and

1.3.1.3 **either:**

1.3.1.3.1 for facilities at which all discharges may be covered under the MSGP, submit a complete Notice of Intent (NOI) Form MSGP-G in accordance with the requirements of Part 2 of this permit. **Permit authorization obtained in this manner is not transferable.** Any new operator at a facility, including those who replace an operator who has previously obtained permit coverage, must submit an NOI to be covered for discharges for which they are the operator;

**or:**

1.3.1.3.2 for facilities which require permit coverage for discharges in addition to those covered by the MSGP, submit an approved Notice of Intent (NOI)/application which covers all discharges and which meets the requirements in MSGP Part 2.2 below (Parts 2.2.5 and 2.2.9 are not applicable); authorization under the MSGP will be granted concurrently with authorization by the LPDES permit (such as the LPDES Light Commercial General Permit) which covers the additional, non-MSGP discharges. In these cases, the time frame for preparation of the Part 4 SWPPP shall be defined in the LPDES permit. Permit authorization under the MSGP may be transferred upon transfer of the LPDES permit which covers the non-MSGP discharges after all applicable requirements for LPDES permit transfer are met (LAC 33:IX.2901). The recipient of the permit transfer is required to comply with all MSGP requirements, including SWPPPs, monitoring requirements and numeric limitations in permit Parts 4 and 5, immediately upon the effective date of transfer.

1.3.2 Unless notified to the contrary, if you submit an **accurate and fully completed** NOI in accordance with the requirements of this permit, you are authorized to discharge under the terms and conditions of this permit upon submittal of hand-delivered NOI or (2) days after the date that the NOI is postmarked. The LDEQ may deny you coverage under this permit and require submittal of an application for an individual LPDES permit based on a review of your NOI or other information (see Part 9.12). Authorization to discharge is not automatically granted if your NOI is materially incomplete (e.g., critical information left off, NOI unsigned, etc.) or if your

discharge(s) is(are) not eligible for coverage by the permit. It is suggested that, for planned facilities, eligibility be confirmed prior to beginning construction.

- 1.3.3 This permit replaces the LPDES General Permit for Storm Water Discharges from Industrial Activities, issued April 29, 2001. In accordance with the provisions of LAC 33:IX.2515.B.2.f, those permittees currently authorized under that permit are automatically covered under this permit as of the effective date of this reissued permit and must take the following actions unless they request and obtain an individual permit:
  - 1.3.3.1 for the first 30 days after the effective date of the permit, comply with the terms and conditions of the 2001 MSGP; and
  - 1.3.3.2 no later than 30 days after the permit effective date of the reissued permit, take necessary actions to comply with all conditions of the reissued permit including updating the storm water pollution prevention plan to incorporate any new/changed requirements in Part IV of the reissued permit.

## 1.4 Terminating Coverage

1.4.1 If you wish to terminate coverage under this permit, you must submit a Notice of Termination (NOT) in accordance with Part 11 of this permit. You must continue to comply with this permit until you submit an NOT. Your authorization to discharge under the permit terminates at midnight of the day the NOT is signed and mailed.

1.4.2 You must submit an NOT within thirty (30) days after one or more of the following conditions have been met:

1.4.2.1 a new owner/operator has assumed responsibility for the facility, or

1.4.2.2 you have ceased operations at the facility and there no longer are discharges of storm water associated with industrial activity from the facility.

Note: Submittal of an NOT is not required if all storm water discharges associated with industrial activity at the facility became covered under an alternate LPDES permit. The applicability of this permit is automatically terminated on the effective date of coverage by the alternate permit. Likewise, if the facility qualifies for the “no exposure” exclusion, submittal of an NOT is not required.

1.4.3 Enforcement actions may be taken if you submit an NOT without meeting one or more of the above listed conditions, unless you have obtained coverage under an alternate permit or have satisfied the requirements of Part 1.5.

## 1.5 Transfer of Permit Coverage

Except as provided in Part 1.3.1.3.2, **transfers of permit coverage are not allowed for this general permit.** See Part 11.1 below.

## 1.6 Conditional Exclusion for No Exposure

If you are eligible for coverage by this permit, but qualify for the exclusion for “no exposure” (LAC 33:IX.2511.G), you are not required to obtain authorization by nor required to comply with the permit upon satisfying the applicable conditions for certifying eligibility for the “no exposure” exclusion. If you are no longer required to have permit coverage due to a “no exposure” exclusion, you are not required to submit a Notice of Termination. The No Exposure form can be found on the LDEQ website at <http://www.deq.louisiana.gov/portal/Default.aspx?tabid=1837>. After you have **accurately and completely** filled out the No Exposure form, send it to the Office of Environmental Services at the address listed in Addendum C.

## 2. NOTICE OF INTENT REQUIREMENTS

### 2.1 Deadlines for Notification

Your NOI must be submitted in accordance with the deadlines in Table 3.

| <b>TABLE 3 - DEADLINES FOR NOI SUBMITTAL</b>   |  |
|--|--|
| <b>Category</b>  | <b>Deadline</b>  |
| <b>1.</b> Existing discharges covered under the 2001 MSGP (see also Part 2.1.2 and 2.1.3 below)                                    | No reapplication required.<br>Coverage automatic   |
| <b>2.</b> New discharges (It is suggested that, for planned facilities, eligibility be confirmed prior to beginning construction.) | Two (2) days prior to commencing operation of the facility with discharges of storm water associated with industrial activity. |
| <b>3.</b> New owner/operators of existing discharges   | Two (2) days prior to taking operational control of the facility.  |
| <b>4.</b> Continued coverage when the permit expires in 2011   | See Part 9.2   |

Only one NOI need be submitted to cover all of your activities at the facility (e.g., you do not need to submit a separate NOI for each separate type of industrial activity located at a facility or industrial complex, provided your SWPPP covers each area for which you are an operator).

#### 2.1.1 Late Notification

You are not prohibited from submitting an NOI after the dates provided in Table 3. If a late NOI is submitted, your authorization is only for discharges that occur after permit coverage is granted. This Office reserves the right to take appropriate enforcement actions for any unpermitted discharges.

#### 2.1.2 2001 MSGP Permittees Granted Automatic Coverage-Timely Update Requirements

Those permittees granted automatic coverage under the reissued MSGP because of their coverage under the 2001 MSGP shall, within 30 days following finalization of the reissued MSGP, review the conditions of the reissued MSGP and submit notification by means of a letter if the determination is made that the facility is not eligible for coverage under the new permit. In those cases, either application for an alternate permit or notification that permit coverage is no longer needed should be submitted to the agency within 30 days following finalization of the reissuance MSGP.

Permittees granted automatic coverage under the reissued MSGP because of their coverage under the 2001 MSGP shall, if eligible for continuing coverage under the reissued permit, update their SWPPPs to comply with the requirements of the reissued permit within 30 days following finalization of the reissued MSGP.

### **2.1.3 Previously Covered Facilities Ineligible For the Reissuance MSGP**

If you were previously covered by the 2001 MSGP but do not meet the eligibility requirements of this permit, you may nonetheless be authorized under this permit for a period not to exceed 270 days from the date this permit is effective. Application for an alternative permit should be submitted within 30 days following the effective date of the reissued MSGP.

### **2.1.4 Newly-Covered Oil and Gas Facilities**

After this MSGP is finalized, oil and gas facilities which subsequently meet the requirements for coverage in Part 6.I.1, by having a later discharge of a reportable quantity (RQ) of oil or a hazardous substance for which notification is required pursuant to either 40 CFR 110.6 or 40 CFR 302.6, shall submit an NOI for permit coverage within 14 calendar days after learning of the release and shall prepare and implement the SWPPP as required in Part 4 within 60 calendar days after learning of the release. During this interim period while the SWPPP is being prepared and implemented, the operator shall take all appropriate measures to limit the discharge of pollutants in the facility's storm water.

## **2.2 Contents of Notice of Intent (NOI)**

Except as provided in Part 1.3.1.3.2, application for coverage under this permit shall be made by submittal of LPDES Form MSGP-G which will be completed to provide the following information:

- 2.2.1 the name, address, and telephone number of the operator (e.g., your company, etc.) filing the NOI for permit coverage;
- 2.2.2 an indication of whether you are a Federal, State, private, or other public entity;
- 2.2.3 the name (or other identifier), address, parish, and latitude/longitude of the facility for which the NOI is submitted;
- 2.2.4 an indication of whether the facility is located on Indian Country lands;
- 2.2.5 certification that a storm water pollution prevention plan (SWPPP) meeting the requirements of Part 4 has been developed (including attaching a copy of this permit to the plan);
- 2.2.6 the name of the receiving water(s) or the name of the municipal operator if the discharge is through a municipal separate storm sewer system;



- 2.2.7 based on the instructions in Addendum A, whether any listed or proposed threatened or endangered species, or designated critical habitat, are in proximity to the storm water discharges or storm water discharge-related activities to be covered by this permit;
- 2.2.8 whether any historic property listed or eligible for listing on the National Register of Historic Places is located on the facility or in proximity to the discharge and whether SHPO participated in the determination of permit eligibility;
- 2.2.9 identification of applicable sector(s) in this permit, as designated in Table 1, that cover the discharges associated with industrial activity you wish to cover under this permit;
- 2.2.10 up to four 4-digit Standard Industrial Classification (SIC) codes or the 2-letter Activity Codes for hazardous waste treatment, storage, or disposal activities (HZ); land/disposal facilities that receive or have received any industrial waste (LF); steam electric power generating facilities (SE); or treatment works treating domestic sewage (TW) that best represent the principal products produced or services rendered by your facility and major co-located activities;
- 2.2.11 whether your company has any other environmental permits identical or similar to the permit which you are applying for in any other states;
- 2.2.12 whether your company owes any outstanding fees or final penalties to the department;
- 2.2.13 whether your company is a limited liability company;
- 2.2.14 a signed and dated certification, signed by a legal representative of your facility as detailed in Part 9.7 that certifies the following:

*"I certify under penalty of law that I have read and understand the Part 1.2 eligibility requirements for coverage under the multi-sector storm water general permit including those requirements relating to the protection of endangered or threatened species or critical habitat. To the best of my knowledge, the stormwater and allowable non-stormwater discharge authorized by this permit (and discharge related activities) are not likely and will not likely adversely affect endangered or threatened species or critical habitat, or are otherwise eligible for and coverage under Part 1.2.3.6 of the permit. To the best of my knowledge, I further certify that such discharges and discharge related activities do not have an effect on properties listed or eligible for listing on the National Register of Historic Places under the National Historic Preservation Act, or are otherwise eligible for coverage under Part 1.2.3.7 of the permit. I understand that continued coverage under the multi-sector stormwater general permit is contingent upon maintaining eligibility as provided for in Part 1.2. "*

## 2.3 Use of NOI Form

You must submit the information required under Part 2.2 on the latest version of the NOI form (or photocopy thereof) available from this Office - unless the Department notifies dischargers of other NOI form options that become available at a later date (e.g., electronic submission of forms). Your NOI must be signed and dated in accordance with Part 2.4 of this permit. The NOI form is available at <http://www.deq.louisiana.gov/portal/Default.aspx?tabid=1837> or may be obtained by phoning the agency at (225) 219-3294.

## 2.4 Signatory Requirements

All Notices of Intent, Notices of Termination, SWPPPs, reports, certifications or information either submitted to the Agency or the operator of a municipal separate storm sewer system, or that this permit requires be maintained by the permittee, must be signed as follows:

2.4.1 In accordance with LAC 33:IX.2503.A, all Notices of Intent must be signed:

2.4.1.1 for a corporation: by a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: **a)** a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or **b)** the manager of one or more manufacturing, production or operating facilities, provided: the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

**NOTE:** LDEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in Part 2.4.1.1.a. The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Agency to the contrary. Corporate procedures governing authority to sign applications may provide for assignment or delegation to applicable corporate positions under Part 2.4.1.1.b rather than to specific individuals.

2.4.1.2 for a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

- 2.4.1.3 for a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Base Commander for a military base).
- 2.4.2** All reports required by this permit and other information requested by the Agency or authorized representative must be signed by a person described above or by a duly authorized representative of that person (LAC 33:IX.2503.B). A person is a duly authorized representative only if:
- 2.4.2.1 the authorization is made in writing by a person described above in 2.4.1.1- 2.4.1.3
- 2.4.2.2 the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position), and
- 2.4.2.3 the written authorization is submitted to the Agency.
- 2.4.3** Changes to Authorization (LAC 33:IX.2503.C). If the information on the NOI filed for permit coverage is no longer accurate because a different operator has responsibility for the overall operation of the facility, a new Notice of Intent satisfying the requirements of Part 2 must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative. The change in authorization must be submitted within the time frame specified in Part 2.1, and sent to the address specified in Part 2.5.

## **2.5 Where to Submit**

Your NOI must be signed in accordance with Part 2.4 above of this permit and submitted to the LDEQ Office of Environmental Services at the address in the CURRENT ADDRESSES LIST, Addendum C.

## **2.6 Additional Notification**

If your facility discharges through a municipal separate storm sewer system (MS4), or into an MS4 that has been designated by the Agency, you must also submit a signed copy of the NOI to the operator of that MS4, in accordance with the deadlines listed above in Table 3.

### 3. SPECIAL CONDITIONS

#### 3.1 Hazardous Substances or Oil

You must prevent or minimize the discharge of hazardous substances or oil in your discharge(s) in accordance with the SWPPP for your facility. This permit does not relieve you of the reporting requirements of LAC 33:I.3931 relating to spills or other releases of oils or hazardous substances.

Should a release as described in this Part occur, you must modify your SWPPP required under Part 4 within 14 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, you must review your plan to identify measures to prevent the recurrence of such releases and to respond to such releases, and you must modify your plan where appropriate.

3.1.1 The permittee shall report any noncompliance which may endanger health or the environment. As required by LAC 33:I.3915, in the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the DPS 24-hour Louisiana Emergency Hazardous Materials hotline by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health, safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this Part will be made regardless of the amount of discharge. A written submission shall be provided within 7 days of the time the permittee becomes aware of the circumstances. The report shall contain the following information:

- 3.1.1.1 A description of the noncompliance and its cause;
- 3.1.1.2 The period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- 3.1.1.3 Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

3.1.2 As required by LAC 33:I.3917, in the event of an unauthorized discharge which exceeds a reportable quantity but does not cause an emergency condition, the discharger shall notify the Office of Environmental Compliance by telephone within 24 hours after learning of the discharge at (225) 219-3700. Notification should be made between the hours of 8 a.m. and 4:30 p.m. on working days. In the event the Office of Environmental Compliance is unable for any reason(s) to receive the notification required in this section, the discharger shall notify the department at (225) 342-1234 within 24 hours after learning of the discharge.

### **3.2 Additional Requirements for Salt Storage**

Any storage piles of salt used for deicing or other commercial or industrial purposes that generate a storm water discharge associated with industrial activity, must be enclosed or covered to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile. Piles do not need to be enclosed or covered where storm water from the pile is not discharged to waters of the state.

### **3.3 Coal Pile Runoff**

If your facility has discharges of storm water from coal storage piles, you must comply with the limitations and conditions of Part 5.1.1 below.

### **3.4 Discharge Compliance With Water Quality Standards**

Your discharges must not cause or contribute to an exceedance of a water quality standard. Where a discharge is already authorized under this permit and is later determined to cause or contribute to exceedance of a water quality standard, the Department will notify you of such exceedance(s). You must take all necessary actions to ensure future discharges do not cause or contribute to the exceedance of a water quality standard and document these actions in the SWPPP. If exceedances remain or re-occur, then coverage under this permit may be terminated by this Office, and an alternative general permit or individual permit may be issued. Compliance with this requirement does not preclude any enforcement activity as provided by law for the exceedance.

## 4. STORM WATER POLLUTION PREVENTION PLANS

### 4.1 Storm Water Pollution Prevention Plan Requirements

Except as allowed in Part 1.3.1.3.2 for facilities authorized under the MSGP through coverage under an alternate LPDES permit, and Part 2.1.6 for oil and gas facilities which are required to obtain coverage (due to a later RQ spill) after this permit is finalized, **you must prepare a storm water pollution prevention plan (SWPPP) for your facility before submitting your Notice of Intent for permit coverage.** Copies of the plan should **not** be submitted to this Office unless specifically requested by the Agency. Your SWPPP must be prepared in accordance with good engineering practices. EPA has developed guidance entitled “Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices,” EPA #832/R-92-006, September 1992, to assist permittees in developing and implementing pollution prevention measures.

A printed hard copy may be obtained by contacting EPA’s Water Resource Center at (202) 260-7786 or [center.water-resource@epa.gov](mailto:center.water-resource@epa.gov). Use of a registered professional engineer for SWPPP preparation is not required by the permit, but may be independently required under local ordinance. Your SWPPP must:

- 4.1.1 identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from your facility;
- 4.1.2 describe and ensure implementation of practices which you will use to reduce the pollutants in storm water discharges from the facility; and
- 4.1.3 assure compliance with the terms and conditions of this permit.

**Note:** At larger installations such as military bases where there are well-defined industrial versus non-industrial areas, the SWPPP required under this Part need only address those areas with discharges of storm water associated with industrial activity. (e.g., under this permit, a U.S. Air Force Base would need to address the vehicle maintenance areas associated with the “airport” portion of the base in the SWPPP, but would not need to address a car wash that served only the on-base housing areas.)

### 4.2 Contents of Plan

#### 4.2.1 Pollution Prevention Team

You must identify the staff individual(s) (by name or title) that comprise the facility’s storm water Pollution Prevention Team. Your Pollution Prevention Team is responsible for assisting the facility/plant manager in developing, implementing, maintaining and revising the facility’s SWPPP. Responsibilities of each staff individual on the team must be listed.

## 4.2.2 Site Description

Your SWPPP must include the following:

- 4.2.2.1 *Activities at Facility.* description of the nature of the industrial activity(ies) at your facility;
- 4.2.2.2 *General Location Map.* a general location map (e.g., U.S.G.S. quadrangle, or other map) with enough detail to identify the location of your facility and the receiving waters within one mile of the facility;
- 4.2.2.3 *A legible site map identifying the following:*
  - 4.2.2.3.1 directions of storm water flow (e.g., use arrows to show which ways storm water will flow);
  - 4.2.2.3.2 locations of all existing structural BMPs, see Part 4.2.7.2.2
  - 4.2.2.3.3 locations of all surface water bodies
  - 4.2.2.3.4 locations of potential pollutant sources identified under Part 4.2.4 and where significant materials are exposed to precipitation;
  - 4.2.2.3.5 locations where major spills or leaks identified under Part 4.2.5 have occurred;
  - 4.2.2.3.6 locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, and liquid storage tanks;
  - 4.2.2.3.7 locations of storm water outfalls and an approximate outline of the area draining to each outfall;
  - 4.2.2.3.8 location and description of non-storm water discharges;
  - 4.2.2.3.9 locations of the following activities where such activities are exposed to precipitation: processing and storage areas; access roads, rail cars and tracks; the location of transfer of substance in bulk; and machinery;
  - 4.2.2.3.10 location and source of runoff from adjacent property containing significant quantities of pollutants of concern to the facility (an evaluation of how the quality of the runoff impacts your storm water discharges may be included); and
  - 4.2.2.3.11 flows with a significant potential to cause soil erosion must be identified.

### 4.2.3 Receiving Waters and Wetlands

You must provide the name of the nearest receiving water(s), including ditches, intermittent streams, dry sloughs, arroyos and the areal extent and description of wetland or other special aquatic sites (see Part 12 for definition) that may receive discharges from your facility.

### 4.2.4 Summary of Potential Pollutant Sources

You must identify each separate area at your facility where industrial materials or activities are exposed to storm water. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. For each, separate area identified, the description must include:

- 4.2.4.1 *Activities in Area.* A list of the activities (e.g., material storage, equipment fueling and cleaning, cutting steel beams); and
- 4.2.4.2 *Pollutants.* A list of the associated pollutant(s) or pollutant parameter(s) (e.g., crankcase oil, iron, biochemical oxygen demand, pH, etc.) for each activity. The pollutant list must include all significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three (3) years before being covered under this permit and the present.

### 4.2.5 Spills and Leaks

You must clearly identify areas where potential spills and leaks, which can contribute pollutants to storm water discharges, can occur, and their accompanying drainage points. You must provide a list of significant spills and leaks of toxic or hazardous pollutants that occurred, within the three (3) years preceding the date of the Notice of Intent (NOI) submittal, at areas at the facility that are exposed to precipitation or that otherwise drain to a storm water conveyance. Your list must include a description of the causes of each spill or leak, the actions taken to respond to each release, and the actions taken to prevent similar such spills or leaks in the future. Your list should also be updated if significant spills or leaks occur in exposed areas of your facility during the time you are covered by the permit.

Significant spills and leaks include, but are not limited to releases of oil or hazardous substances in excess of quantities that are reportable under LAC 33:I.3931 Reportable Quantity List for Pollutants, which incorporates by reference and modifies requirements of 311 of the CWA (see 40 CFR 110 and 40 CFR 117.3) and 40 CFR 302.4 (CERCLA Hazardous Substances). Significant spills may also include releases of oil or hazardous substances that are not in excess of reporting requirements and releases of materials that are not classified as oil or a hazardous substance.



#### 4.2.6 Sampling Data

You must provide a summary of any existing storm water discharge sampling data taken at your facility. All storm water sampling data collected during the term of this permit must also be summarized and included in this part of the SWPPP.

#### 4.2.7 Controls

4.2.7.1 *Description of Existing and Planned BMPs.* Describe the type and location of existing non-structural and structural best management practices (BMPs), for each of the areas identified in Part 4.2.4, where industrial materials or activities are exposed to storm water. For areas where BMPs are not currently in place, you must describe appropriate BMPs that you will use to control pollutants in storm water discharges. Selection of BMPs should take into consideration:

4.2.7.1.1 the quantity and nature of the pollutants, and their potential to impact the water quality of receiving waters;

4.2.7.1.2 opportunities to combine the dual purposes of water quality protection and local flood control benefits (including physical impacts of high flows on streams - e.g., bank erosion, impairment of aquatic habitat, etc.);

4.2.7.1.3 opportunities to offset the impact of impervious areas of the facility on ground water recharge and base flows in local streams (taking into account the potential for ground water contamination).

4.2.7.2 *BMP Types to be Considered:* You must describe how each of the following non-structural BMPs, structural BMPs, and other BMPs are or will be implemented at the facility. If you determine that one or more of these BMPs are not appropriate for your facility, you must include an explanation of why it is not appropriate. The BMP examples listed below are not intended to be an exclusive list of BMPs that you may use. You are encouraged to keep abreast of new BMPs or new applications of existing BMPs to find the most cost-effective means of permit compliance for your facility. If BMPs are being used or planned at the facility which are not listed here (e.g., replacing a chemical with a less toxic alternative, adopting a new or innovative BMP, etc.), include descriptions of them in this section of the SWPPP.

##### 4.2.7.2.1 Non-Structural BMPs

4.2.7.2.1.1 *Good Housekeeping:* You must keep all exposed areas of the facility in a clean, orderly manner where such exposed areas could contribute pollutants to storm water discharges. Common problem areas include: around trash containers, storage areas and loading docks. Measures must also include: a schedule for regular pickup and disposal of garbage and waste materials; routine inspections for leaks and conditions of drums, tanks and containers.

4.2.7.2.1.2 *Minimizing Exposure:* Where practicable, industrial materials and activities should be protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, or runoff. NOTE: Eliminating exposure at all industrial areas may make the facility eligible for the LAC 33:IX.2511.G No Exposure@exclusion from needing to have a permit.

4.2.7.2.1.3 *Preventive Maintenance:* You must have a preventive maintenance program which includes timely inspection and maintenance of storm water management devices, (e.g., cleaning oil/water separators, catch basins) as well as inspecting, testing, maintaining and repairing facility equipment and systems to avoid breakdowns or failures that may result in discharges of pollutants to surface waters.

4.2.7.2.1.4 *Spill Prevention and Response Procedures:* You must describe the procedures to be followed for cleaning up spills or leaks. Those procedures, and necessary spill response equipment, must be made available to those employees that may cause or detect a spill or leak. Where appropriate, you must explain existing or planned material handling procedures, storage requirements, secondary containment, and equipment (e.g., diversion valves), which are intended to minimize spills or leaks at the facility. Measures for cleaning up hazardous material spills or leaks must be consistent with applicable RCRA regulations at 40 CFR Part 264, 40 CFR Part 265, and applicable sections of the Louisiana Hazardous Waste Regulations, Part V.

4.2.7.2.1.5 *Routine Facility Inspections:* In addition to or as part of the comprehensive site evaluation required under Part 4.9, you must have qualified facility personnel inspect all areas of the facility where industrial materials or activities are exposed to storm water. The inspections must include an evaluation of existing storm water BMPs. Your SWPPP must identify how often these inspections will be conducted. If deficiencies in the implementation of your SWPP are discovered during an inspection, those deficiencies must be corrected as soon as practicable but not later than within 14 days of the inspection. You must document in your SWPPP the results of your inspection and the corrective actions you took in response to any deficiencies or opportunities for improvement that you identify.

4.2.7.2.1.6 *Employee Training:* You must describe the storm water employee training program for the facility. The description should include the topics to be covered, such as spill response, good housekeeping and material management practices, and must identify periodic dates (e.g., every 6 months during the months of July and January) for such training. You must provide employee training for all employees that work in areas where industrial materials or activities are exposed to storm water, and for employees that are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance people). The employee training should inform them of the components and goals of your SWPPP.

#### 4.2.7.2.2 Structural BMPs

4.2.7.2.2.1 *Sediment and Erosion Control:* You must identify the areas at your facility which, due to topography, land disturbance (e.g., construction), or other factors, have a potential for significant soil erosion. You must describe the structural, vegetative, and/or stabilization BMPs that you will be implementing to limit erosion.

4.2.7.2.2.2 *Management of Runoff*: You must describe the traditional storm water management practices (permanent structural BMPs other than those which control the generation or source(s) of pollutants) that currently exist or that are planned for your facility. These types of BMPs typically are used to divert, infiltrate, reuse, or otherwise reduce pollutants in storm water discharges from the site. All BMPs that you determine are reasonable and appropriate, or are required by a State or local authority; or are necessary to maintain eligibility for the permit (see Part 1.2.3 - Limitations on Coverage) must be implemented and maintained. Factors to consider when you are selecting appropriate BMPs should include: 1) the industrial materials and activities that are exposed to storm water, and the associated pollutant potential of those materials and activities; and 2) the beneficial and potential detrimental effects on surface water quality, ground water quality, receiving water base flow (dry weather stream flow), and physical integrity of receiving waters. Structural measures should be placed on upland soils, avoiding wetlands and floodplains, if possible. Structural BMPs may require a separate permit under section 404 of the CWA before installation begins.

4.2.7.2.2.3 *Example BMPs*: BMPs you could use include but are not limited to: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices).

#### 4.2.7.2.3 Other Controls

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oily materials, nor of toxic materials in quantities such as to cause toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge. Off-site vehicle tracking of raw, final, or waste materials or sediments, and the generation of dust must be minimized. Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas must be minimized. As appropriate to protect the stream bed, velocity dissipation devices must be placed at discharge locations and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water).

### 4.3 **Maintenance**

All BMPs you identify in your SWPPP must be maintained in effective operating condition. If site inspections required by Part 4.9 and/or 4.2.7.2.1.5 identify BMPs that are not operating effectively, maintenance must be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable. In the case of non-structural BMPs, the effectiveness of the BMP must be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).

#### **4.4 Non-Storm Water Discharges**

##### **4.4.1 Certification of Non-Storm Water Discharges**

4.4.1.1 Your SWPPP must include a certification that all discharges (i.e., outfalls) have been tested or evaluated for the presence of non-storm water. The certification must be signed in accordance with Part 9.7 of this permit, and include:

4.4.1.1.1 the date of any testing and/or evaluation;

4.4.1.1.2 identification of potential significant sources of non-storm water at the site;

4.4.1.1.3 a description of the results of any test and/or evaluation for the presence of non-storm water discharges;

4.4.1.1.4 a description of the evaluation criteria or testing method used; and

4.4.1.1.5 a list of the outfalls or onsite drainage points that were directly observed during the test and/or evaluation.

4.4.1.2 If you are unable to provide the certification required (testing and/or evaluation for non-storm water discharges), you must notify the Agency 180 days after submitting an NOI to be covered by this permit. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification must describe:

4.4.1.2.1 reason(s) why certification was not possible;

4.4.1.2.2 the procedure of any test and/or evaluation attempted;

4.4.1.2.3 the results of such test and/or evaluation or other relevant observations; and

4.4.1.2.4 potential sources of non-storm water discharges to the storm sewer.

4.4.1.3 A copy of the notification must be included in the SWPPP at the facility. Non-storm water discharges to waters of the State, which are not authorized by an LPDES permit or provided for in 1.2.2.2, are unlawful and must be terminated.

##### **4.4.2 Allowable Non-Storm Water Discharges**

4.4.2.1 Certain sources of non-storm water are allowable under this permit (see 1.2.2.2 - Allowable Non-Storm Water Discharges). In order for these discharges to be allowed, your SWPPP must include:

4.4.2.1.1 identification of each allowable non-storm water source;

4.4.2.1.2 the location where it is likely to be discharged; and

- 4.4.2.1.3 descriptions of appropriate BMPs for each source.
- 4.4.2.2 Except for flows from fire fighting activities, you must identify in your SWPPP all sources of allowable non-storm water that are discharged under the authority of this permit.
- 4.4.2.3 If you include mist blown from cooling towers among your allowable non-storm water discharges, you must specifically evaluate the potential for discharges to be contaminated by chemicals used in the cooling tower and determine that the levels of such chemicals in the discharges would not cause or contribute to a violation of an applicable water quality standard after implementation of the BMPs you have selected to control such discharges.

#### **4.5 Documentation of Permit Eligibility Related to Endangered Species**

This Part (4.5) is applicable to facilities obtaining authorization under Permit Part 1.3.1.3.1. Permittees authorized under Permit Part 1.3.1.3.2 shall comply with the ESA eligibility requirements of the alternate permit through which MSGP coverage is obtained. Your SWPPP must include documentation supporting your determination of permit eligibility with regard to Part 1.2.3.6 (Endangered Species), including:

- 4.5.1 information on whether listed endangered or threatened species, or critical habitat, are found in proximity to your facility;
- 4.5.2 whether such species may be affected by your storm water discharges or storm water discharge-related activities;
- 4.5.3 results of your Addendum A endangered species screening determinations; and
- 4.5.4 a description of measures necessary to protect listed endangered or threatened species, or critical habitat, including any terms or conditions that are imposed under the eligibility requirements of Part 1.2.3.6. If you fail to describe and implement such measures, your discharges are ineligible for coverage under this permit.

#### **4.6 Documentation of Permit Eligibility Related to Historic Places**

Your SWPPP must include documentation supporting your determination of permit eligibility with regard to Part 1.2.3.7 (Historic Places), including:

- 4.6.1 information on whether your storm water discharges or storm water discharge-related activities would have an affect on a property that is listed or eligible for listing on the National Register of Historic Places;
- 4.6.2 where effects may occur, any written agreements you have made with the State Historic Preservation Officer to mitigate those effects;
- 4.6.3 results of your Addendum B historic places screening determinations; and
- 4.6.4 a description of measures necessary to avoid or minimize adverse impacts on places

listed, or eligible for listing, on the National Register of Historic Places, including any terms or conditions that are imposed under the eligibility requirements of Part 1.2.3.7 of this permit. If you fail to describe and implement such measures, your discharges are ineligible for coverage under this permit.

#### **4.7 Copy of Permit Requirements**

You must include a copy of the permit requirements (attaching a copy of this permit is acceptable) in your SWPPP.

NOTE: The confirmation of coverage letter you receive from the Department assigning your permit number IS NOT your permit - it merely acknowledges that your NOI has been accepted and you have been authorized to discharge subject to the terms and conditions of this permit.

#### **4.8 Applicable State or Local Plans**

Your SWPPP must be consistent (and updated as necessary to remain consistent) with applicable State and/or local storm water, waste disposal, sanitary sewer or septic system regulations to the extent these apply to your facility and are more stringent than the requirements of this permit.

#### **4.9 Comprehensive Site Compliance Evaluation**

##### **4.9.1 Frequency and Inspectors**

You must conduct facility inspections at least once a year. The inspections must be done by qualified personnel provided by you. The qualified personnel you use may be either your own employees or outside consultants that you have hired, provided they have the knowledge and skills to assess conditions at your facility that could impact storm water quality and assess the effectiveness of the BMPs you have chosen to use to control the quality of your storm water discharges. If you decide to conduct more frequent inspections, your SWPPP must specify the frequency of inspections.

#### **4.9.2 Scope of the Compliance Evaluation**

Your inspections must include all areas where industrial materials or activities are exposed to storm water, as identified in Part 4.2.4, and areas where spills and leaks have occurred within 3 years preceding the inspection. Inspectors should look for: a) industrial materials, residue or trash on the ground that could contaminate or be washed away in storm water; b) leaks or spills from industrial equipment, drums, barrels, tanks or similar containers; c) offsite tracking of industrial materials or sediment where vehicles enter or exit the site; d) tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas and e) for evidence of, or the potential for, pollutants entering the drainage system. Storm water BMPs identified in your SWPPP must be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they must be inspected to see whether BMPs are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations must be inspected if possible.

#### **4.9.3 Follow-up Actions**

Based on the results of the inspection, you must modify your SWPPP as necessary (e.g., show additional controls on map required by Part 4.2.7; revise description of controls required by Part 4.2.7.1) to include additional or modified BMPs designed to correct problems identified. You must complete revisions to the SWPPP within 14 calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation must be completed before the next anticipated storm event, if practicable, but not more than twelve (12) weeks after completion of the comprehensive site evaluation.

#### **4.9.4 Compliance Evaluation Report**

You must insure a report summarizing the scope of the inspection, name(s) of personnel making the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWPPP is completed and retained as part of the SWPPP for at least three years from the date permit coverage expires or is terminated. Major observations should include: the location(s) of discharges of pollutants from the site; location(s) of BMPs that need to be maintained; location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and location(s) where additional BMPs are needed that did not exist at the time of inspection. You must retain a record of actions taken in accordance with Part 4.9 of this permit as part of the SWPPP for at least three years from the date that permit coverage expires or is terminated. The inspection reports must identify any incidents of non-compliance. Where an inspection report does not identify any incidents of non-compliance, the report must contain a certification that the facility is in compliance with the SWPPP and this permit. Both the inspection report and any reports of follow-up actions must be signed in accordance with Part 9.7 (reporting) of this permit.

#### **4.9.5 Credit as a Routine Facility Inspection**

Where compliance evaluation schedules overlap with inspections required under Part 4.2.7.2.1.5, your annual compliance evaluation may also be used as one of the Part 4.2.7.2.1.5 routine inspections.

#### **4.10 Maintaining Updated SWPPP**

You must amend the SWPPP whenever:

- 4.10.1** there is a change in design, construction, operation, or maintenance at your facility which has a significant effect on the discharge, or potential for discharge, of pollutants from your facility;
- 4.10.2** during inspections or investigations by you or by local, State, or Federal officials it is determined the SWPPP is ineffective in eliminating or significantly minimizing pollutants from sources identified under Part 4.2.4, or is otherwise not achieving the general objectives of controlling pollutants in discharges from your facility.

#### **4.11 Signature, Plan Review and Making Plans Available**

- 4.11.1** You must sign your SWPPP in accordance with the Signatory Requirements in Part 9.7, and retain the plan on-site at the facility covered by this permit (see Part 9.16 for records retention requirements).
- 4.11.2** You must keep a copy of the SWPPP on-site or locally available to the Agency for review at the time of an on-site inspection. You must make your SWPPP available upon request to the Agency, a State or local agency approving storm water management plans, or the operator of a municipal separate storm sewer receiving discharge from the site. Also, in the interest of public involvement, you must provide a copy of your SWPPP to the public if requested in writing to do so.
- 4.11.3** The Agency may notify you at any time that your SWPPP does not meet one or more of the minimum requirements of this permit. The notification will identify provisions of this permit which are not being met, as well as the required modifications. Within thirty (30) calendar days of receipt of such notification, you must make the required changes to the SWPPP and submit to the Agency a written certification that the requested changes have been made.
- 4.11.4** You must make the SWPPP available to the USFWS or NMFS upon request.



**4.12 Additional Requirements for Storm Water Discharges Associated With Industrial Activity from Facilities Subject to EPCRA Section 313 Reporting Requirements.**

Potential pollutant sources for which you have reporting requirements under EPCRA 313 must be identified in your summary of potential pollutant sources as per Part 4.2.4. Note this additional requirement only applies to you if you are subject to reporting requirements under EPCRA 313.

## **5. MONITORING REQUIREMENTS AND NUMERIC LIMITATIONS FOR ALL FACILITIES**

There are two classes of monitoring requirements and numeric limitations that your facility may be subject to under this permit. Part 5 contains requirements and procedures that apply to all facilities, regardless of industrial activity. Part 6 contains additional requirements that only apply to specific sectors of industrial activity. You must review each of these sections of the permit to determine which monitoring limitations and numeric limitations apply to your facility based on what types of industrial activities generate storm water runoff from your facility and where your facility is located.

Your facility may be subject to one or more of the following monitoring requirements under this permit:

- visual inspection (see Part 5.1.2 for details),
- benchmark monitoring (see Part 5.4 for details),
- effluent limitations monitoring (see Part 6 for details),
- area-specific monitoring for limitations required by a state or tribe, including area-specific water quality standards; antidegradation and water quality certification requirements; and monitoring requirements for impaired waters see Part 1.2.3.4 for details).

Unless otherwise specified, limitations and monitoring requirements under Parts 5 and 6 are additive. Where more than one numeric limitation for a specific parameter applies to a discharge, compliance with the more restrictive limitation is required. Where monitoring requirements for a monitoring quarter overlap (e.g., need to monitor TSS 1/year for a limit and also 1/quarter for benchmark monitoring), you may use a single sample to satisfy both monitoring requirements.

### **5.1 Universal Monitoring and Limitations**

The Coal Pile Runoff numeric limitations described below (including mixtures of these discharges and other discharges from the facility) apply to those discharges only and not to other discharges at your facility. These limitations apply regardless of your facility's sector of industrial activity.

#### **5.1.1 Coal Pile Runoff**

- 5.1.1.1 If your facility has discharges of storm water from coal storage piles, you must comply with the limitations and monitoring requirements of Table 4 for all discharges containing the coal pile runoff.

**TABLE 4 - NUMERIC LIMITATIONS FOR COAL PILE RUNOFF**

| Parameter                    | Limit                    | Monitoring Frequency | Sample Type |
|------------------------------|--------------------------|----------------------|-------------|
| Total Suspended Solids (TSS) | 50 mg/L, max.            | 1/year               | Grab        |
| pH                           | 6.0 - 9.0, min. and max. | 1/year               | Grab        |

5.1.1.2 You must not dilute coal pile runoff with storm water or other flows in order to meet this limitation.

5.1.1.3 If your facility is designed, constructed and operated to treat the volume of coal pile runoff that is associated with a 10-year, 24-hour rainfall event, any untreated overflow of coal pile runoff from the treatment unit is not subject to the 50 mg/L limitation for total suspended solids.

5.1.1.4 You must collect and analyze your samples in accordance with Part 5.3. Results of the testing must be retained and reported in accordance with Parts 8 and 9.16.

## **5.1.2 Quarterly Visual Monitoring**

5.1.2.1 You must perform and document a quarterly visual examination of a storm water discharge associated with industrial activity from each outfall, except discharges exempted below. The visual examination must be made during daylight hours (e.g., normal working hours). If no storm event resulted in runoff from the facility during a monitoring quarter, you are excused from visual monitoring for that quarter provided you document in your monitoring records that no runoff occurred. You must sign and certify the documentation in accordance with Part 9.7.

5.1.2.2 Your visual examinations must be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 1 hour) of when the runoff or snowmelt begins discharging from your facility. The examination must be conducted in a well lit area. No analytical tests are required to be performed on the samples. All such samples must be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. If no qualifying storm event resulted in runoff from the facility during a monitoring quarter, you are excused from visual monitoring for that quarter provided you document in your monitoring records that no qualifying storm event occurred that resulted in storm water runoff during that quarter. You must sign and certify the documentation in accordance with Part 9.7. The examination must document observations of:

- color,
- odor,
- clarity,
- floating solids,

- settled solids,
- suspended solids,
- foam,
- oil sheen,
- and other obvious indicators of storm water pollution

- 5.1.2.3 Where practicable, the same individual should carry out the collection and examination of discharges for the entire permit term.
- 5.1.2.4 You must maintain your visual examination reports onsite with the pollution prevention plan. The report must include the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.
- 5.1.2.5 Inactive and Unstaffed Sites: When you are unable to conduct visual storm water examinations at an inactive and unstaffed site, you may exercise a waiver of the monitoring requirement as long as the facility remains inactive and unstaffed, and as long as there are no industrial materials or activities exposed to storm water. If you exercise this waiver, you must maintain a certification with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water. If you do not plan to commence industrial activity at the site, you may submit a No Exposure Certification (Part 11.4), and terminate coverage under this permit. You must sign and certify the waiver in accordance with Part 9.7.

## **5.2 Monitoring and Limitations for Discharges Associated with Specific Industrial Activities**

- 5.2.1 Numeric limitations and benchmark monitoring requirements that apply only to specified discharges in particular sectors / subsectors of industrial activity are contained in the individual sectors of Part 6.
- 5.2.2 If your facility has co-located activities (see Part 1.2.1.2) described in more than one sector in Part 6, you must comply with all applicable limitations and monitoring requirements from each sector.
- 5.2.3 The sector-specific monitoring and limitations are applied discharge by discharge at facilities with co-located activities. Where storm water from the co-located activities is co-mingled, the monitoring requirements and limitations are additive.

## **5.3 Monitoring Procedures**

### **5.3.1 Monitoring Periods**

If you are required to conduct monitoring on an annual or quarterly basis, you must collect your samples within the following time periods.

- 5.3.1.1 The monitoring year is from January 1 to December 31.
- 5.3.1.2 The monitoring quarters are January 1 to March 31; April 1 to June 30; July 1 to September 30; and October 1 to December 31.
- 5.3.1.3 If your permit coverage was effective less than one month from the end of a quarterly or yearly monitoring period, your first monitoring period starts with the following monitoring period. (e.g., if permit coverage begins June 5<sup>th</sup>, you would not need to start quarterly sampling until the July - September quarter, but you would only have from June 5<sup>th</sup> to December 31<sup>st</sup> to complete that year's annual monitoring)
- 5.3.1.4 During the term of this permit, the **BENCHMARK MONITORING YEARS** are January 1, 2007, through December 31, 2007, and January 1, 2009, through December 31, 2009. (See Part 5.4.1 below.)

### **5.3.2 Storm Event Data:**

Along with the results of your monitoring, you must provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge samples.

### **5.3.3 Collection and Analysis of Samples**

You must assess your sampling requirements on an outfall by outfall basis. You must collect and analyze your samples in accordance with the requirements of Part 9.16.

- 5.3.3.1 *When and How to Sample:* Take a minimum of one grab sample from the discharge associated with industrial activity resulting from a storm event with at least 0.1 inch of precipitation (defined as a "measurable" event), provided the interval from the preceding measurable storm is at least 72 hours. The 72-hour storm interval is waived when the preceding measurable storm did not yield a measurable discharge, or if you are able to document that less than a 72-hour interval is representative for local storm events during the sampling period.

Take the grab sample during the first 30 minutes of the discharge. If it is not practicable to take the sample during the first 30 minutes, sample during the first hour of discharge and describe why a grab sample during the first 30 minutes was impracticable. Submit this information on or with the discharge monitoring report (see Part 7.1). If the sampled

discharge commingles with process or non-process water, attempt to sample the storm water discharge before it mixes with the non-storm water.

To get help with monitoring, consult the *Guidance Manual for the Monitoring and Reporting Requirements of the NPDES Storm Water Multi-Sector General Permit*, which can be down loaded from the EPA Web Site at <http://www.epa.gov/npdes/pubs/dmr-fin.pdf>.

#### **5.3.4 Representative Outfalls – Substantially Identical Discharges**

If your facility has two (2) or more outfalls that you believe discharge substantially identical effluents, based on similarities of the industrial activities, significant materials or storm water management practices occurring within the outfalls=drainage areas, you may test the effluent of just one of the outfalls and report that the quantitative data also applies to the substantially identical outfall(s). For this to be permissible, you must describe in the pollution prevention plan and include in the Discharge Monitoring Report the following: locations of the outfalls; why the outfalls are expected to discharge substantially identical effluents; estimates of the size of the drainage area (in square feet) for each of the outfalls; and an estimate of the runoff coefficient of the drainage areas (low: under 40 percent; medium: 40 to 65 percent; high: above 65 percent).

#### **5.4 Benchmark Monitoring Instructions**

You must refer to the tables found in the individual Sectors in Part 6 for industry-specific pollutants of concern to be monitored and Benchmark Monitoring Cut-Off Concentrations. If your facility has co-located activities (see Part 1.2.1.2) described in more than one sector in Part 6, you must comply with all applicable benchmark monitoring requirements from each sector. If your facility falls within a Sector required to conduct benchmark monitoring, you must monitor quarterly (4 times a year) during at least one, and potentially both, monitoring periods. You may be able to take advantage of monitoring waivers and credits found in Parts 5.4.2 and 5.5.

Benchmark monitoring is primarily for your use in determining the overall effectiveness of your SWPPP controls related to protection of water quality. Benchmark values are not limitations and exceedance of a benchmark value does not, in and of itself, constitute a violation of the permit. While exceedance of a benchmark value does not automatically indicate that violation of a water quality standard has occurred in the receiving water, it can indicate areas where improvement of the SWPPP may be necessary or identify facilities that may need the more specific controls of an alternative individual or general permit. Waivers available to facilities whose discharges are below benchmark values provide an incentive to improve SWPPPs and avoid the cost of monitoring.

#### **5.4.1 Monitoring Periods for Benchmark Monitoring**

Unless otherwise specified in Part 6, benchmark monitoring periods shall be year 2 and year 4 of the General Permit. Year 2 runs from January 1, 2007, to December 31, 2007, and year 4 runs from January 1, 2009, to December 31, 2009. If your facility falls within a Sector(s) required to conduct benchmark monitoring, you must monitor quarterly (4 times a year) during at least one, and potentially both, monitoring periods, unless otherwise specified in the sector-specific requirements of Part 6. **All permittees** are required to complete the monitoring requirements in year 2, including those who met benchmark levels and any applicable limitations under the prior permit. Depending on the results of the year 2 monitoring year, you may not be required to conduct benchmark monitoring in the year 4 monitoring year (see Part 5.4.2).

#### **5.4.2 Benchmark Monitoring Year 4 Waivers for Facilities Testing Below Benchmark Values**

All of the provisions of this Part are available to permittees except as noted in Part 6. Waivers from benchmark monitoring are available to facilities whose discharges are below benchmark values, thus there is an incentive for facilities to improve the effectiveness of their SWPPPs in eliminating discharges of pollutants and avoid the cost of monitoring.

On both a parameter by parameter and outfall by outfall basis, **you are not required** to conduct sector-specific benchmark monitoring required by Part 5.2 and Part 6 in the year 4 monitoring year provided:

- 5.4.2.1 you collected samples for all four quarters of the year 2 monitoring year; and average concentration was below the benchmark value in Part 6; and
- 5.4.2.2 you include a certification in the SWPPP that based on current potential pollutant sources and BMPs used, discharges from the facility are reasonably expected to be essentially the same (or cleaner) compared to when the benchmark monitoring for the year 2 monitoring year was done.

#### **5.5 Automatic Monitoring Waivers**

##### **5.5.1 Adverse Climatic Conditions Waiver**

When adverse weather conditions prevent the collection of samples, take a substitute sample during a qualifying storm event in the next monitoring period. Adverse conditions (i.e., those which are dangerous or create inaccessibility for personnel) may include such things as local flooding, high winds, electrical storms, or situations which otherwise make sampling impracticable such as drought or extended frozen conditions. If there is no discharge of storm water from your facility during a monitoring period, you are not required to take a substitute sample. Include a brief explanation of events with the DMR submittal (Part 7 below) for that period.

##### **5.5.2 Alternative Certification of ANot Present or No Exposure@**

- 5.5.2.1 You are not subject to the analytical monitoring requirements of this Part provided: you make a certification for a given outfall, or on a pollutant-by-pollutant basis in lieu of monitoring required under Part 5, that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial machinery or operations, or significant materials from past industrial activity that are located in areas of the facility within the drainage area of the outfall are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period; and
- 5.5.2.2 your certification is signed in accordance with Part 9.7, retained in the SWPPP, and submitted to LDEQ in accordance with Part 7. In the case of certifying that a pollutant is not present, the permittee must submit the certification along with the monitoring reports required in Part 7; and
- 5.5.2.3 if you cannot certify for an entire period, you must submit the date exposure was eliminated and any monitoring required up until that date; and
- 5.5.2.4 no numeric limitation or State-specific monitoring requirement for that parameter is established in Part 6.
- 5.5.3 Unstaffed and Inactive Sites-Chemical Sampling Waiver

When a discharger is unable to conduct quarterly chemical storm water sampling at an inactive and unstaffed site, the operator of the facility may exercise a waiver of the monitoring requirements as long as the facility remains inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water. If you exercise this waiver, you must maintain a certification with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water. If you do not plan to commence industrial activity at the site, you may submit a No Exposure Certification (Part 1.6), and terminate coverage under this permit. The facility must submit to the Secretary, in lieu of monitoring data, a certification statement on the DMR stating that the site is inactive and unstaffed so that collecting a sample during a qualifying event is not possible.

## **5.6 Monitoring Required by the Agency**

The Agency may provide written notice to any facility, including those otherwise exempt from the sampling requirements of Parts 5 and 6, requiring discharge sampling for a specific monitoring frequency for specific parameters. Any such notice will briefly state the reasons for the monitoring, parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

## **5.7 Corrective Actions**

You must take corrective action whenever:

- your routine facility inspections, comprehensive site compliance evaluations, or any other process, observation or event result in discovery of any deficiency; or
- there is any exceedance of an effluent limitation (including coal pile runoff), water quality standard, or requirement stipulated in Part 5; or



- following a benchmark exceedance, based on the average of 4 quarterly monitoring events, you determine as a result of reviewing your SWPPP that your SWPPP does not meet the requirements of Part 2 of this permit.

You must review your SWPPP and modify it as necessary to address the deficiency(ies). You must complete revisions to the SWPPP within 14 calendar days following the discovery. When BMPs need to be modified or added (distinct from regular preventive maintenance of existing BMPs described in 2.2), implementation must be completed before the next anticipated storm event if possible, but no later than 60 days after discovering the deficiency, or as otherwise provided or approved by LDEQ. The amount of time taken to modify a BMP or implement additional BMPs must be documented in your SWPPP.

Failure to undertake the necessary corrective actions within the stipulated time frames constitutes a violation of your permit. The underlying cause of the inadequacy or discharge standard exceedance, e.g., failure to properly implement the SWPPP, may also constitute an independent violation of permit.

Any corrective actions taken as a result of your inspections must be documented and retained for the 3-year period following permit expiration or termination. Reports of corrective actions must be signed in accordance with Part 2.4.

## **5.8 Follow-up Monitoring and Reporting.**

If at any time your monitoring results indicate that your discharge exceeds an **effluent limitation** or a specific **wasteload allocation**, or you become aware that your discharge **causes or contributes to an exceedance** of a water quality standard, you must take immediate steps to eliminate the exceedances in accordance with Part 5.7, Corrective Actions. Within 30 calendar days of implementing the relevant corrective action(s) (or during the next qualifying runoff event, should none occur within 30 calendar days) you must undertake additional monitoring to verify that your modified BMPs are effectively protecting water quality. Follow-up monitoring is needed only for pollutants with prior exceedances. You may monitor for other pollutants if you believe your modifications may have reduced pollutant prevention or removal capacity for other pollutants of concern.

If the follow-up monitoring value does not exceed the effluent limitation or other relevant standard, you must submit the follow-up monitoring data to LDEQ no later than 30 days after you have received your lab results. In this case, no additional follow-up monitoring for this monitoring event is required.

Should the follow-up monitoring indicate that the effluent limitation or other relevant standard, wasteload allocation, water quality standard or other relevant standard is still being exceeded, you must submit an Exceedance Report no later than 30 days after you have received your lab results. Your report must include your permit authorization number; facility name, address and location; receiving water; monitoring data from this and the preceding monitoring event(s); an explanation of the situation; what you have done and intend to do (should your corrective actions not yet be complete) to further reduce pollutants in the discharge; and an appropriate contact name and phone number. You must continue to conduct follow-up monitoring at an appropriate frequency, but no less often than quarterly, until your discharge no longer exceeds the permit limitation unless the requirement for additional follow-up monitoring is waived by LDEQ.

Failure to complete follow-up monitoring and reporting within the stipulated time frames constitutes a violation of your permit.

## **5.9 Reporting Monitoring Results**

Deadlines and procedures for submitting monitoring reports are contained in Part 7.

## 7. REPORTING

### 7.1 Reporting Results of Monitoring

Depending on the types of monitoring required for your facility, you may have to submit the results of your monitoring or you may only have to keep the results with your pollution prevention plan. You must follow the reporting requirements and deadlines in Table 6 that apply to the types of monitoring that apply to your facility.

| <b>TABLE 6 - DMR/ALTERNATIVE CERTIFICATION SUBMITTAL DEADLINES</b> |   |  |
|--|---|--|
| <b>Monitoring Class</b>  |   | <b>Reporting Deadline (Postmark)</b>   |
| Monitoring for Numeric Limitations                                 |   | Submit results ( <b>average of all data points</b> ) by the 28 <sup>th</sup> day of the month following the monitoring period. |
| Benchmark Monitoring   | Year 2 Monitoring (Year 2 monitoring runs from January 1, 2007 through December 31, 2007) | Save and submit all results ( <b>each data point</b> ) for year in one package by January 28, 2008.                            |
|  | Year 4 Monitoring (Year 4 monitoring runs from January 1, 2009 through December 31, 2009) | Save and submit all results ( <b>each data point</b> ) for year in one package by January 28, 2010.                            |
| Visual Monitoring  |   | Retain results with SWPPP - do not submit unless requested to do so by the Agency  |

If required to do benchmark or numeric limitation sampling and analysis, you must submit analytical monitoring results obtained from each outfall associated with industrial activity (or a certification as per 5.4.2, and/or 5.5.) on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1 or an approved substitute). An example of a form is found in the *Guidance Manual for the Monitoring and Reporting Requirements of the NPDES Storm Water Multi-Sector General Permit* (see Part 5.3.3.1). A copy of the DMR form is attached to this permit as Addendum D, and is also available on the internet at <http://www.deq.louisiana.gov/portal/Default.aspx?tabid=80>. The signed DMR must be sent to the Enforcement Division of the Office of Environmental Compliance and the appropriate regional office for the parish in which the discharge is located, at the address listed on the Current Address List Addendum C.

## **7.2 Additional Reporting for Dischargers to a Municipal Separate Storm Sewer System**

If you have at least one storm water discharge associated with industrial activity that discharges through a municipal separate storm sewer system as defined in Part 12 below, you must also submit signed copies of your discharge monitoring reports to the operator of the municipal separate storm sewer system in accordance with the dates provided above in Table 6.

## **7.3 Miscellaneous Reports**

You must submit any other reports required by this permit to the Office of Environmental Compliance at the address listed on the Current Address List in Addendum C.

## **8. RETENTION OF RECORDS**

**8.1 Documents.** You must retain copies of SWPPP, any reports required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit, for a period of at least three years from the date that the facility's coverage under this permit expires or is terminated. In accordance with Part 9.16.2.1, records of all monitoring information shall be retained for at least three years from the date of the sample or measurement. These periods may be extended by request of the Agency at any time.

**8.2 Accessibility.** You must retain a copy of the SWPPP required by this permit (including a copy of the permit language) at the facility (or other local location accessible to the Agency; local government officials; or the operator of a municipal separate storm sewer receiving discharges from the site) from the date of permit coverage to the date permit coverage ceases.

**8.3 Addresses.** Except for the submittal of monitoring results (see Part 7 above), all written correspondence concerning discharges in Louisiana from any facility covered under this permit, including the submittal of individual permit applications, shall be identified by permit number, if one is assigned, and sent to Louisiana Department of Environmental Quality  
Office of Environmental Services at the address in the Current Address List attached as Addendum C.

## 9. STANDARD PERMIT CONDITIONS

### 9.1 Duty to Comply

**9.1.1** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and the Louisiana Environmental Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**9.1.2** Penalties for Violations of Permit Conditions: LA. R.S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. LA. R.S. 30:2076.2 provides for criminal penalties for violation of any provisions of the LPDES or any order or any permit condition or limitation issued under said program or implementing any provisions of the LPDES program.

#### 9.1.2.1 Criminal Penalties.

9.1.2.1.1 Negligent Violations The Louisiana Revised Statutes LA. R.S. 30:2076.2 provides that any person who negligently violates any provision of the LPDES, or any order issued by the Secretary under the LPDES, or any permit condition or limitation implementing any such provision in a permit issued under the LPDES by the Secretary, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$50,000 per day of violation, or imprisonment of not more than two years, or both.

9.1.2.1.2 Knowing Violations The Louisiana Revised Statutes LA. R.S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$100,000 per day of violation, or imprisonment of not more than six years, or both.

9.1.2.1.3 Knowing Endangerment The Louisiana Revised Statutes LA. R.S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any order issued by the Secretary under the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES by the Secretary, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this Paragraph, be subject to a fine of not more than one million dollars. If a conviction of a person is for a violation committed after a first conviction of such person under this

Paragraph, the maximum punishment shall be doubled with respect to both fine and imprisonment.

9.1.2.1.4 False Statement The Louisiana Revised Statutes LA. R.S. 30:2076.2 provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the LPDES or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the LPDES, shall upon conviction, be subject to a fine of not more than \$10,000 or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

9.1.2.2 Civil Penalties The Louisiana Revised Statutes LA.R.S. 30:2025 provides that any person found to be in violation of any requirement of this Subtitle may be liable for a civil penalty, to be assessed by the Secretary, and Assistant Secretary, or the court, of not more than the cost to the state of any response action made necessary by such violation which is not voluntarily paid by the violator, and a penalty of not more than \$32,500 for each day of violation. However, when any such violation is done intentionally, willfully, or knowingly, or results in a discharge or disposal which causes irreparable or severe damage to the environment or if the substance discharged is one which endangers human life or health, such person may be liable for an additional penalty of not more than one million dollars.

## 9.2 Continuation of the Expired General Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued and remain in force and effect. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

- 9.2.1 Reissuance or replacement of this permit, at which time you must comply with the requirements for obtaining coverage under the new permit to maintain authorization to discharge; or
- 9.2.2 your submittal of a Notice of Termination; or
- 9.2.3 issuance of an individual permit for your discharges; or
- 9.2.4 a formal permit decision by the Secretary not to reissue this general permit, at which time you must seek coverage under an alternative general permit or an individual permit.

## 9.3 Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

#### **9.4 Duty to Mitigate**

The permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. The permittee shall also take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

#### **9.5 Duty to Provide Information**

The permittee shall furnish to the Agency, within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Agency, upon request, copies of records required to be kept by this permit.

#### **9.6 Other Information**

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Agency, he or she must promptly submit such facts or information.

#### **9.7 Signatory Requirements**

In accordance with LAC 33:IX.2503, all Notices of Intent, Notices of Termination, SWPPPs, reports, certifications or information either submitted to the Agency or the operator of a municipal separate storm sewer system, or that this permit requires be maintained by the permittee, must be signed as follows:

##### **9.7.1 All Notices of Intent must be signed:**

- 9.7.1.1 for a corporation: by a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: **a)** a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or **b)** the manager of one or more manufacturing, production or operating facilities, provided: the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- NOTE:** LDEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in Part 9.7.1.1.a. The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Agency to the contrary. Corporate procedures governing authority to sign applications may provide for assignment or delegation to applicable corporate positions under Part 9.7.1.1.b rather than to specific individuals.
- 9.7.1.2 for a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
- 9.7.1.3 for a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Base Commander for a military base).
- 9.7.2** All reports required by this permit and other information requested by the Agency or authorized representative must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- 9.7.2.1 the authorization is made in writing by a person described above,
- 9.7.2.2 the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position), and
- 9.7.2.3 the written authorization is submitted to the Agency.
- 9.7.3** Changes to Authorization. If the information on the NOI filed for permit coverage is no longer accurate because a different operator has responsibility for the overall operation of the facility, a new Notice of Intent satisfying the requirements of Part 2 must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative. The change in authorization must be submitted within the time frame specified in Part 2.1, and sent to the address specified in Part 2.4.



**9.7.4** Certification. Any person signing documents under Part 7 must make the following certification:

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

**9.8 Penalties for Falsification of Reports**

State statute LA. R. S. 30:2076.2 provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or by both.

**9.9 Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve you from any responsibilities, liabilities, or penalties to which you are or may be subject under section 311 of the CWA or section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

**9.10 Property Rights**

Authorization to discharge pursuant to the conditions of this permit does not relieve the permittee of any liability for damages to state waters or private property. For discharges to private land this permit does not relieve the permittee from obtaining approval from the landowner for appropriate easements and rights of way.

**9.11 Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

**9.12 Requiring an Individual Permit or an Alternative General Permit**

**9.12.1** Eligibility for this permit does not confer a vested right to coverage under the permit. The Agency may require any person authorized by this permit to apply for and/or obtain either an individual LPDES permit or an alternative LPDES general permit. Any interested person may petition the Agency to take action under this Part. Where the Agency requires a permittee authorized to discharge under this permit to apply for an individual LPDES permit, the Agency will notify you in writing that a permit application is required. This notification will include

a brief statement of the reasons for this decision, an application form, a statement setting a deadline for you to file the application, and a statement that on the effective date of issuance or denial of the individual LPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit will automatically terminate. Applications must be submitted to the Office of Environmental Services, Permits Division, at the address indicated in the Current Addresses List in Addendum C of this permit. The Agency may grant additional time to submit the application upon request of the applicant. If a permittee fails to submit in a timely manner an individual LPDES permit application as required by the Agency under this Part, then the applicability of this permit to the individual LPDES permittee is automatically terminated at the end of the day specified by the Agency for application submittal.

- 9.12.2** Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of LAC 33:IX.2501, with reasons supporting the request, to the Agency at the address indicated in Part 8.3 of this permit. The request may be granted by issuance of an individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.
- 9.12.3** When an individual LPDES permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative LPDES general permit, the applicability of this permit to the individual LPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual LPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied coverage under an alternative LPDES general permit, the applicability of this permit to the individual LPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Agency.
- 9.12.4** The Agency's notification that coverage under an alternative permit is required does not imply that any discharge that did not or does not meet the eligibility requirements of Part 1.2 is or has been covered by this permit.

### **9.13 State Environmental Laws**

- 9.13.1** Nothing in this permit will be construed to preclude the institution of any legal action or relieve you from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation.
- 9.13.2** No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

#### **9.14 Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit and with the requirements of SWPPPs. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of this permit.

**9.15** The Secretary or an authorized representative (including an authorized contractor acting as a representative of the Secretary), or, in the case of a construction site which discharges through a municipal separate storm sewer, an authorized representative of the municipal owner/operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, shall be allowed to:

**9.15.1** Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit. Most inspections will be unannounced and should be allowed to begin immediately, but in no case shall begin more than thirty (30) minutes after the time the inspector presents his/her credentials and announces the purpose(s) of the inspection. Delay in excess of thirty (30) minutes shall constitute a violation of these regulations. However, additional time can be granted if the inspector or the Secretary determines that the circumstances warrant such action;

**9.15.2** Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit. For records maintained in either a central or private office that is open only during normal office hours and is closed at the time of inspection, the records shall be made available as soon as the office is open, but in no case later than the close of business the next working day;

**9.15.3** Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and

**9.15.4** Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Louisiana Environmental Quality Act, any substances or parameters at any location.

#### **9.16 Monitoring and Records**

**9.16.1** Representative Samples/Measurements. Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

**9.16.2 Retention of Records.**

9.16.2.1 You must retain records of all monitoring information for a period of at least three (3) years from the date of sample, or measurement. This period may be extended by request of the Agency at any time. Permittees must submit any such records to the Agency upon request.

[Note: In accordance with 8.1 above, copies of SWPPPs, any reports required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit shall be retained for at least three years following the date the facility's coverage under this permit expires or is terminated.]

9.16.2.2 You must retain the pollution prevention plan developed in accordance with Part 4 of this permit until a date 3 years after the last modification or amendment is made to the plan, and at least 3 years after coverage under this permit terminates.

**9.16.3 Records Contents.** Records of monitoring information must include:

9.16.3.1 The date, exact place, and time of sampling or measurements;

9.16.3.2 The initials or name(s) of the individual(s) who performed the sampling or measurements;

9.16.3.3 The date(s) analyses were performed;

9.16.3.4 The time(s) analyses were initiated;

9.16.3.5 The initials or name(s) of the individual(s) who performed the analyses;

9.16.3.6 References and written procedures, when available, for the analytical techniques or methods used; and

9.16.3.7 The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

**9.16.4** Approved Monitoring Methods. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

**9.17 Permit Actions**

This permit may be modified; revoked and reissued; or terminated for cause. Your filing of a request for a permit modification; revocation and reissuance; or your submittal of a notification of planned changes or anticipated non-compliance does not stay any permit condition.

## **9.18 Prohibition for Tampering: Penalties**

- 9.18.1** No person shall falsify, tamper with, or knowingly render inaccurate, any monitoring device or method required to be maintained under this permit.
- 9.18.2** Any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method to be maintained under this permit shall, upon conviction, be subject to penalties in accordance with the state statues LA.R.S. 30:2076.2

## **9.19 Additional Monitoring by the Permittee**

If the Permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 (See LAC 33:IX.4901), or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

## **9.20 Averaging of Measurements**

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.

## **9.21 Availability of Reports**

All recorded information (completed permit application forms, fact sheets, draft permits, or any public document) not classified as confidential information under R.S. 30:2030(A) and 30:2074(D) and designated as such in accordance with these regulations (LAC 33:IX.2323 and LAC 33:IX.6503) shall be made available to the public for inspection and copying during normal working hours in accordance with the Public Records Act, R.S. 44:1 et seq.

Claims of confidentiality for the following will be denied:

- 9.21.1** The name and address of any permit applicant or permittee.
- 9.21.2** Permit applications, permits, and effluent data.
- 9.21.3** Information required by LPDES application forms provided by the Agency under LAC 33:IX.2501 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

## **9.22 Dilution**

A permittee shall not achieve any effluent concentration by dilution unless specifically authorized in the permit. A permittee shall not increase the use of process water or cooling water or otherwise attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve permit limitations or water quality.

### 9.23 Prohibition for Asphalt Plants

Neither hazardous or non-biodegradable asphalt releasers nor diesel fuel shall be used as an asphalt releaser in the bed of dump trucks or at the plant on moving parts unless the releaser or diesel fuel is captured and contained. At no time shall these releasing agents or diesel fuel be discharged to the ground, surface waters, or be allowed to come in contact with storm water runoff. The use of non-hazardous, biodegradable releasing agents shall be considered as an alternative to the hazardous, non-biodegradable releasers or diesel fuel.

### 9.24 Laboratory Accreditation

9.24.1 LAC 33:I.Subpart 3, Chapters 45-59 provide requirements for an accreditation program specifically applicable to commercial laboratories, wherever located, that provide chemical analyses, analytical results, or other test data to the department, by contract or by agreement, and the data is:

- (1) Submitted on behalf of any facility, as defined in R.S.30:2004;
- (2) Required as part of any permit application;
- (3) Required by order of the department;
- (4) Required to be included on any monitoring reports submitted to the department;
- (5) Required to be submitted by contractor
- (6) Otherwise required by department regulations.

9.24.2 The department laboratory accreditation program is designed to ensure the accuracy, precision, and reliability of the data generated, as well as the use of department-approved methodologies in generation of that data. Laboratory data generated by commercial environmental laboratories that are not accredited under these regulations will not be accepted by the department. Retesting of analysis will be required by an accredited commercial laboratory.

Where retesting of effluent is not possible (i.e. data reported on DMRs for prior month's sampling), the data generated will be considered invalid and in violation of the LPDES permit.

9.24.3 Regulations on the Environmental Laboratory Accreditation Program and a list of labs that have applied for accreditation, are available on the department website located at:

**<http://www.deq.louisiana.gov/portal/Portals/0/laboratory/Accreditation.pdf>.**

## 10. REOPENER CLAUSE

### 10.1 Water Quality Protection

If there is evidence indicating that the storm water discharges authorized by this permit cause, have the reasonable potential to cause or contribute to, a violation of a water quality standard, you may be required to obtain an individual permit or an alternative general permit in accordance with Part 3.3 of this permit, or the permit may be modified to include different limitations and/or requirements.

### 10.2 Procedures for Modification or Revocation

Permit modification or revocation will be conducted according to LAC 33:IX.2903, 2905, 2907 and 3105.

## 11. TRANSFER OR TERMINATION OF COVERAGE

### 11.1 Transfer of Permit Coverage

Except as provided in Part 1.3.1.3.2 for permittees covered by the Light Commercial General Permit, **transfers of permit coverage are not allowed for this general permit.**

11.1.1 Change of coverage from one operator to a different operator (e.g., facility sold to a new company): the new owner/operator must complete and file an NOI in accordance with Part 1.3 at least 2 days prior to taking over operational control of the facility. The old owner/operator shall file a Notice of Termination (NOT) following acceptance of operational control by the new owner/operator.

11.1.2 Simple name changes of the permittee (e.g., Company AA@changes name to AABC, Inc.) may be done by submittal of a written request or by filing a name change form that can be found at <http://www.deq.louisiana.gov/portal/tabid/136/Default.aspx> referencing the facility's assigned permit number and requesting a simple name change. **This does not allow for change of ownership for facilities with MSGP coverage.**

### 11.2 Notice of Termination (NOT)

You must submit a completed NOT that is signed in accordance with Part 9.7 when one or more of the conditions contained in Part 1.4 (Terminating Coverage) have been met. The NOT form available at <http://www.deq.louisiana.gov/portal/Default.aspx?tabid=1837>, or obtained from this Office by calling (225) 219-3181, will be used. The NOT must include the following information:

11.2.1 The LPDES permit authorization number for the storm water discharge identified by the NOT;

11.2.2 An indication of whether the storm water discharges associated with industrial activity have been eliminated (i.e., regulated discharges of storm water are being terminated); you

are no longer an operator of the facility; or you have obtained coverage under an alternative permit;

11.2.3 The name of the permittee submitting the NOT;

11.2.4 The name, street address (or a description of location if no street address is available) and telephone number of the facility for which the notification is submitted; and

11.2.5 The following certification, signed in accordance with Part 9.7 (signatory requirements) of this permit. For facilities with more than one permittee and/or operator, you need only make this certification for those portions of the facility where you were authorized under this permit and not for areas where you were not an operator

*"I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by the MSGP have been eliminated, that I am no longer the operator of the facility, or that these discharges are now covered by another LPDES permit. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge storm water associated with industrial activity under this general permit, and that discharging pollutants in storm water associated with industrial activity to waters of the state is unlawful under the Louisiana Environmental Quality Act where the discharge is not authorized by a LPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of the permit or the Louisiana Environmental Quality Act."*

### **11.2.1 Discharges After the NOT is Submitted**

If you submit an NOT without meeting one or more of the conditions identified in Part 11.2, then your NOT is not valid and you must continue to comply with the requirements of this permit.

### **11.3 Addresses**

All NOTs must be submitted using the form provided by the Agency (or a photocopy thereof) to the address specified on the NOT form.

### **11.4 Facilities Eligible for A No Exposure@Exemption for Storm Water Permitting**

By filing a certification of A No Exposure@under LAC 33:IX.2511.G (Part 1.6 above), you are automatically removed from permit coverage and **an NOT to terminate permit coverage is not required.**



## 12. DEFINITIONS

**“Agency”** means the Louisiana Department of Environmental Quality.

**“Best Management Practices” (“BMPs”)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**“Control Measure”** as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State.

**“CWA”** means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq.

**“Discharge”** when used without qualification means the "discharge of a pollutant."

**“Discharge of Storm Water Associated with Construction Activity”** as used in this permit, refers to a discharge of pollutants in storm water runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located. (See LAC 33:IX.2511.B.14.j and LAC 33:IX.2511.B.15 for the two regulatory definitions on regulated storm water associated with construction sites).

**“Discharge of Storm Water Associated with Industrial Activity”** as defined at LAC 33:IX.2511.B.14, is the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the LPDES program under LAC 33:IX.Chapter 23.Subchapter A-D. For the categories of industries identified in LAC 33:IX.2511.B.14.a-j, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters (as defined at 40 CFR part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in LAC 33:IX.2511.B.14.k, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this Paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant’s industrial activities, such as office buildings and accompanying parking lots as long as

the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are federally, state, or municipally owned or operated that meet the description of the facilities listed in LAC 33:IX.2511.B.14.a-k) include those facilities designated under the provisions of LAC 33:IX.2511.A.1.e. The following categories of facilities are considered to be engaging in industrial activity for purposes of this Subsection:

- a. facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subpart N (See LAC 33:IX.2533) (except facilities with toxic pollutant effluent standards which are exempted under the category in LAC 33:IX.2511.B.14.k);
- b. facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 31, 32 (except 323), 33, 344, 373;
- c. facilities classified as Standard Industrial Classifications 10-14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CRF 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, by-products or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);
- d. hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA;
- e. landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under subtitle D of RCRA;
- f. facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
- g. steam electric power generating facilities, including coal handling sites;
- h. transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are

otherwise identified under LAC 33:IX.2511.B.14.a-g or i-k are associated with industrial activity;

i. treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under LAC 33:IX.Chapter 23.Subchapter T. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA;

j. construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale;

k. facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and which are not otherwise included within categories in LAC 33:IX.2511.B.14.b-j);

**“Dry weather discharge”** as used in this permit, refers to a discharge generated by processes other than those included in the definition of storm water.

**“Environmental Affairs Act”** was enacted to maintain a “healthful and safe environment in Louisiana.” It created the Office of Environmental Affairs within the Department of Natural Resources as well as the Environmental Control Commission to carry out its purposes. In 1983, the Act was renamed the Environmental Quality Act.

**“Facility or Activity”** means any LPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the LPDES program.

**“Industrial Activity”** as used in this permit refers to the eleven categories of industrial activities included in the definition of Discharges of storm water associated with industrial activity@

**“Industrial Storm Water”** as used in this permit refers to storm water runoff associated with the definition of Discharges of storm water associated with industrial activity@

**“Municipal Separate Storm Sewer System”** a separate storm sewer that is defined as large, medium, or small municipal separate storm sewer system in accordance with LAC 33:IX.2511.B.4, 7, and 16.

**“Municipal Separate Storm Sewer”** is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a

designated and approved management agency under section 208 of the CWA that discharges to water of the state;

2. Designed or used for collection or conveying storm water;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at LAC 33:IX.2313.

**“NOI”** means Notice of Intent to be covered by this permit (see Part 2 of this permit).

**“NOT”** means Notice of Termination (see Part 11.2 of this permit).

**“Office”** means the Office of Environmental Services of the Louisiana Department of Environmental Quality.

**“Outfall”** means the point at which wastewater or storm water from a facility is monitored prior to mixing with other waters. An outfall can be identified either at the point that effluent or storm water discharges by pipe from a treatment plant or treatment system **or** the point at which effluent or storm water discharges into a drainage ditch on the property, into a roadside ditch, into a storm drain, or directly into a receiving water body such as a creek, coulee, bayou, canal, or river.

**“Owner or Operator”** means the owner or operator of any "facility or activity" subject to regulation under the LPDES program.

**“Point Source”** means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

**“Pollutant”** means for the purposes of the Louisiana Pollutant Discharge Elimination System, as defined in the act, dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, except those regulated under the Atomic Energy Act of 1954, 42 U.S.C. 2011 et seq., as amended, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. For the purposes of the Louisiana Pollutant Discharge Elimination System, as defined in the act, Pollutant does not mean:

1. water, gas, waste, or other material that is injected into a well for disposal in accordance with a permit approved by the Department of Natural Resources or the Department of Environmental Quality; or
2. water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the state in which the well is located, and if the state determines that the injection or disposal will not result in the degradation of ground or surface water resources.

**“Reportable Quantity (RQ)”** is the amount of oil that violates applicable water quality standards or causes a film or sheen upon or a discoloration of the surface of the water or adjoining shorelines or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

**“Runoff Coefficient”** means the fraction of total rainfall that will appear at the conveyance as runoff.

**“Secretary”** means the Secretary of the Louisiana Department of Environmental Quality.

**“Special Aquatic Sites,”** as defined at 40 CFR 230.3(q-1), means those sites identified in 40 CFR 230 Subpart E. They are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region. (See 40 CFR 230.10(a)(3)).

**“Storm Water”** means storm water runoff, snow melt runoff, and surface runoff and drainage.

**“Storm Water Associated with Industrial Activity”** refers to storm water, that if allowed to discharge, would constitute a discharge of storm water associated with industrial activity as defined at LAC 33:IX.2511.B.14.

**“Storm Water Pollution Prevention Plan (SWPPP)”** means a plan that describes a process whereby a facility thoroughly evaluates potential pollutant sources at a site and selects and implements appropriate measures designed to prevent or control the discharge of pollutants in storm water runoff

**“Waters of the State”** means all surface waters which are subject to the ebb and flow of the tide, lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state of Louisiana otherwise defined as “waters of the United States” in 40 CFR 122.2 and tributaries of all such waters. “Waters of the state” does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251, et seq.

**“You” and “Your”** as used in this permit is intended to refer to the permittee, the operator, or the discharger as the context indicates and that party’s facility or responsibilities. The use of *You* and *Your* refers to a particular facility and not to all facilities operated by a particular entity. For example, *You must submit* means the permittee must submit something for that particular facility. Likewise, *All your discharges* would refer only to discharges at that one facility.

